COMMUNITY LEVEL ASSESSMENT OF THE IMPACT OF MINING

C.L.A.I.M.

PAPUA NEW GUINEA
A STEP-BY-STEP GUIDE FOR COMMUNITY DEVELOPMENT WORKERS AND LAWYERS

Center for Environmental Law and Community Rights, Live and Learn PNG and the American Bar Association Rule of Law Initiative
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Community Level Assessment of the Impact of Mining, or “CLAIM”, is a human rights assessment methodology developed by the Centre for Environmental Law and Community Rights (CELCOR), Live and Learn PNG, and the American Bar Association Rule of Law Initiative (ABA ROLI).

CELCOR was established in February 2000 to provide legal advice and assistance to customary landowners on land and environmental issues. CELCOR has four main programs: Direct Legal Assistance, Research and Policy, Community Legal Education, and Campaigns. CELCOR to date has worked mainly on illegal logging cases, oil palm plantation expansion, marine conservation, and international financial institutions’ accountability.

Live and Learn PNG, located in Kimbe, West New Britain, was established in 2003 to advance sustainable development through education and learning. Live and Learn works to achieve a vision of an environment that is sustainable and rich in biodiversity, with well-educated and healthy communities enjoying a good quality of life. Live and Learn works closely with schools, communities, and local economies to inspire action and change.

In 2012, ABA ROLI and CELCOR, with funding from the United States Department of State, began implementation of an 18-month project to support efforts by mining-affected communities to address the social and environmental impacts of mining. CLAIM is a result of this project.

CLAIM is a practical tool for use by organizations like CELCOR and Live and Learn to work with local communities to assess the human rights impact of mining projects, and identify remedies for mining-related harms. CLAIM is intended as a first step in providing longer-term support to mining-affected communities. CLAIM will produce a report detailing the positive and negative impacts of the mine, and possible strategies or remedies for the community to pursue depending upon their desired goal.

The manual content is based on visits that CELCOR and ABA ROLI made to mining-affected communities and several workshops with environmental lawyers and civil society leaders. CELCOR and ABA ROLI would like to thank the people from Kwembu, Winima, Sam Sam, Sambio, Labu, and Markham who took the time to share their experiences. We are also grateful to the staff at the Mineral Resources Authority, the State
Solicitor’s Office of the Department of Justice and Attorney General, the Department of Petroleum and Energy, and the Department of Mineral Policy and Geo-Hazard Management for meeting with the CELCOR-ABA ROLI project team and sharing their knowledge about the mining and oil and gas industries; as well as to the UN Office of the High Commissioner for Human Rights and the Sustainable Development Strategies Group for sharing their expertise on human rights and business. Additionally, we thank all CELCOR, Live and Learn, Eco-Forestry Forum, and Greenpeace staff whose knowledge of local law, environmental activism and community mobilization helped create this manual.

The development of this assessment methodology and manual would not have been possible without the financial support of the Bureau of Democracy, Human Rights, and Labour of the U.S. Department of State.
This manual is a step-by-step guide for community development workers and community lawyers in Papua New Guinea (PNG) to:
1. Support communities to analyse the impact of mining projects on their lives and identify strategies for dealing with mining-related problems;
2. Advise landowning and non-landowning communities about mining law and practices; and
3. Raise communities’ awareness about their rights under PNG law and international human rights norms.

The Manual covers a series of steps involved in preparing for and carrying out a community-based human rights assessment, as well as in conducting follow-up activities based on the assessment’s results.

**Step One:** **The First Interview.** Collecting information from community representatives when they first contact your organization for advice on a mining-related issue. If the problem raised by community representatives is serious, and the community representatives and your organization believe an in-depth assessment is required, then preparations begin for implementation of a Community Level Assessment of the Impact of Mining – CLAIM.

**Step Two:** **Background Research.** Researching information on the mine, local communities, and the mine developer (commonly referred to as simply “the company”), as well as reviewing relevant national laws and human rights standards.

**Step Three:** **Community Entry.** Conducting a stakeholder analysis and making sure that customary leaders and other relevant stakeholders know about and understand the purpose of your visit. This step may require an initial scoping trip.

**Step Four:** **The Assessment.** Carrying out the human rights assessment – CLAIM – with the mining-affected community.

**Step Five:** **Reporting the Results and Determining Next Steps.** Visiting the mining-affected community to present the results of the assessment and potential options for resolving mining-related problems.

There are four Reference Sheets to accompany these steps. These reference sheets contain information about mining in PNG and international human rights standards.
The Manual also contains a number of forms to help guide your research and organize information collected during the assessment.

**Form 1**  **Initial Interview Form**: A form filled out during the first interview with community representatives.

**Form 2**  **Company (Mine) Information Form**: A form filled out with information about the mining project, its owners, and operators.

**Form 3**  **Authority Form**: A form signed by community representatives who authorize you to request documents about the mining project on their behalf.

**Form 4**  **Trip Planning Form**: A form to help you plan your site visit to conduct CLAIM.
STEP ONE

The First Interview
Your organization provides assistance to communities affected by natural resource projects. You work with these communities to identify mining related issues and brainstorm solutions, if required.

Imagine that two community representatives from Tatao Village in Morobe Province have contacted you for some advice. They are worried about a gold mining project on their land and the impact this is having on the community water supply.

You introduce yourself and your organization, and ask the community representatives to tell their story. Give them the chance to tell their story in their own words, in their own time. As they speak, you take note of what is being said on the interview form. Once they have finished telling their story, you ask follow-up questions. See Form 1 on page 45 for a suggested list of questions for this initial interview.

It’s in the Details!
It can be hard to get precise details from community members about the mine, but the more details you have, the easier it will be for you to advise them. Ask yourself the “Who, What, Why, When, Where, What Now, and What Documents?”, to help you determine if you need to ask the community representatives any more questions.
What?  What happened, what are the significant events? Try to arrange these chronologically.
When?  Exact dates for all significant events mentioned.
Who?  Who is affected and who is responsible? Are men, women, and children affected differently?
Where?  Where did the problem occur? What river, land or village is affected? Try to locate it on a map.
Why?  Why did the problem arise?
What now?  What does the community want to do about any problems identified? What kind of external support do they want?
Documents  What documents does the community have related to the mine and the issue?

Tingting bilong meri em i bikpela samting
If only men from the community have called you, ask the male community representatives if a woman from your team could telephone their wives or a women's group representative. It's important to get women's view on the community's problem from the very beginning. Men and women have different roles in the community, and will be affected in different ways by the mining project.

After the interview, you will need to decide if your organization has the ability to provide the support requested by the community. Ask the community representatives if you can call them back if you need to first discuss this with your colleagues.
Managing Community Expectations
Just listening to community members’ problems can raise expectations that you and your organization will be able to solve all these problems.

It is important to be realistic about what your organization can do to help, and to communicate this clearly to your community contacts. If the community has high expectations that your organization cannot meet, this can later lead to anger and frustration amongst the community members and endanger you and your colleagues.

DON’T MAKE PROMISES THAT YOU CAN’T KEEP!
As an outsider, your role is to support the community in deciding how to address a problem, but only the community itself can make this decision and take action. This process of decision-making and collective action can take a long time and requires strong community leadership and unity.
STEP TWO

BACKGROUND RESEARCH
Now that you have decided to work with the mining-affected community, you need to make sure that you and your colleagues are well informed about the problem the community is facing. This will require research and a number of follow-up calls with your community contacts.

Prioritizing Your Research: Creating a Problem Tree

Making a problem tree allows you to map out the known causes and effects of a problem. This exercise can help you better understand the nature of the problem the community is experiencing and focus your research around several core issues.

Problem trees are best created by brainstorming with a small group of people to answer the following three questions:

**Question 1:** What was the biggest problem that the community representatives identified?
Write this problem down on a post-it note and stick it on the wall. This is the “core” problem, or the trunk of the problem tree. If there is more than one core problem, you can do separate problem trees for each problem.
**Question 2:** What are the causes of this core problem?
Write each cause down on a post-it note and place them below the core problem. These are the roots of the tree.

**Question 3:** What are the effects of this problem?
Write each effect down on a post-it note and place them above the core problem. These are the branches of the problem tree.

You might rearrange the post-it notes several times until you are happy with your problem tree. Your problem tree will change as your progress with your research, as well as after visiting the community and speaking to other mine stakeholders. The problem tree can later be turned into a solution tree, when brainstorming possible solutions to the community’s core problem/s.

**Map It!**
Mark the mine and mine-affected villages on a topographical map and check the latest PNG census data to determine how large these villages are. This will help you plan your travel and estimate the area and number of people affected by the mine.

You can get census information from the National Statistical Office (located past Telikom Rumana building next to NBC Transmitters), and maps from the National Mapping Bureau (located opposite Moale Haus) in Waigani, Port Moresby.

![Map of PNG mines](image-url)

2010 PNG mines, courtesy of the PNG Chamber of Mines and Petroleum.
The Mine and the Mining Company

It is important to research the mine and the companies associated with the mine, in order to confirm the information provided by the community and to determine if there are any company policies or international guidelines on human rights or environmental sustainability, to which the company can be held accountable. You can use Form 2 on page 48 to help you record relevant information about the mine and its owners/operators.

Compiling Basic Information on the Mine

CHECK OUT the website of the mining project or the companies involved with the mine. Often there is one company that operates the mine, but multiple companies that own the mine. For example, the Ramu Nico Project in Madang is operated by the company Ramu NiCo Management (MCC) Limited, but the mine is owned by four different companies, including companies owned by the government and customary landowners.

From the company or project website, you should be able to find out:

- The names and nationalities of the companies involved with the mine.
- The type and amount of minerals the mine is producing and how much profit the mine is making.
- When exploration and mining began and the expected life of the mine.
- Company policies on human rights, security, social sustainability, the environment, or complaint mechanisms.
- Company sustainability reports on the social or environmental impacts of the mine.

Sometimes smaller mining companies have very basic websites containing little information. In this case, you will have to write to the company and request it provide you with the relevant information.

In PNG, the State and the customary land owners can also own part of the mining project.

What’s in a Nationality?

A company’s nationality is usually where it is headquartered. A company’s nationality may be important when making a complaint against the company. For example, if a company is Australian, then a complaint could be made against it for non-compliance with the OECD Guidelines for Multinational Enterprises. There may also be laws in the company’s country of nationality that allow it to be sued for damage caused by the mine or any criminal acts allegedly committed by the company.
GOOGLE the name of the mine, the mining company/ies, or the village, town, or sub-district where the mine or exploration is located.

CHECK OUT the websites of NGOs monitoring the mining industry in PNG, the local press, and the Mineral Resources Authority for information about the mine or exploration site.

These sites should give you information about any environmental damage, problems or benefits associated with the mine, and the mine’s corporate social responsibility activities.

CHECK OUT:
ACT NOW!
www.actnowpng.org
PNG Mine Watch
ramumine.wordpress.com
Mineral Policy Institute
www.mpi.org.au
The National Newspaper
www.thenational.com.pg
The Post Courier
www.postcourier.com.pg
Mineral Resources Authority
www.mra.gov.pg
**Making A Timeline of Key Events**

Add all this information into the chronology you drew up from your interview with the community representatives. Start from when exploration began and cover mine construction, operation, and planned closure, including any significant environmental or social impact events, such as the company starting a community health program, a tailings spill, or a landslide.

**SAMPLE CHRONOLOGY OF A MINING PROJECT**

![Timeline Diagram]

**Industry and International Business and Human Rights Standards**

CHECK OUT the websites of international or industry human rights standard setting organizations, to see if any apply to the company. Most of these standards are voluntary. If companies have signed onto these voluntary human rights or reporting standards, they usually publish this on their website. When you carry out the CLAIM assessment, you can determine if the company is complying with these standards. See Reference Sheet 3 on page 82 for more detailed information about International Human Rights and Business standards and complaint mechanisms.
UN Human Rights Council guidance on how businesses and States can implement their respective responsibilities to prevent and address human rights violations related to business operations.

Organization for Economic Co-operation and Development (OECD), Guidelines for Multinational Enterprises: http://mneguidelines.oecd.org
Guidelines on good corporate practice. Each OECD country has a National Focal Point to receive complaints about companies that violate these guidelines.

Voluntary Principles on Security and Human Rights: http://www.voluntaryprinciples.org
Voluntary commitments companies can make regarding the use of private and state security forces to safeguard company assets and prevent their involvement in human rights abuses.

Global Reporting Initiative: http://www.globalreporting.org
The initiative has developed sustainability reporting guidelines, and its website contains a database of company sustainability reports assessed in light of these guidelines.

UN Global Compact: http://www.unglobalcompact.org
A UN initiative that has established ten principles in the areas of human rights, labor, the environment, and anti-corruption that businesses can volunteer to implement and report against.

An association of mining companies and national and regional mining associations that works to improve the mining industry’s environment and social sustainability standards.

Equator Principles: http://www.equator-principles.com
Voluntary standards that help banks ensure they do not finance environmentally or socially damaging projects. If the mining project is financed by a bank that has signed the Principles, the bank could be lobbied to, for example, only provide financing if the companies involving comply with environmental performance standards.

CHECK OUT the websites of international development banks, such as the World Bank, the International Finance Corporation, or the Asian Development Bank, to see if they are financing activities associated with the mine. If yes, the mine will have to comply with the Banks’ environmental and social sustainability policies.

World Bank
www.worldbank.org/eap
International Financial Corporation (IFC)
www.ifc.org
Asian Development Bank (ADB)
www.adb.org
Mining Law and Practice in Papua New Guinea

To be able to advise and support mine-affected communities, you need to understand mining law and practice in PNG. All companies operating in PNG, both international and local, must comply with PNG law. The PNG government, through the Mineral Resources Authority, the Department of Justice and Attorney General, the Department of Environment and Conservation, and the police, is responsible for implementing mining law and policy.

See Reference Sheet 1 on page 51 for an overview of PNG Mining Law and Practice. This information on Mining Law and Practice is current as of 2013. The PNG Government has announced plans to review the 1992 Mining Act and related policies in 2014.

After reading this Reference Sheet, consider what stage this mining project is at and reflect on the community’s problem to determine which parts of the mining and environmental acts are most relevant to the issue at hand.

Human Rights

To carry out a CLAIM assessment, you must understand what human rights are and how they are protected by PNG law.

Human rights are the rights that we all have because we are human. Human rights impose common standards of good behaviour towards everyone, anywhere.

Human rights can be a useful tool for holding governments and transnational companies responsible for actions that negatively affect people’s rights. Human rights can be used to argue why a company or government must behave in a certain way, even if the local PNG law does not require this.
PNG has ratified several international human rights treaties and, in ratifying, has agreed to protect people against violations of the human rights contained in those treaties. Many of these rights are also protected by the PNG Constitution. Human rights standards have also been incorporated into guidelines and principles to which the mining industry and banks financing the mining industry adhere.

However, if human rights protections under international treaties and the PNG Constitution are not incorporated into PNG laws like the Environment Act or Criminal Code, it is hard to force the government and companies to respect and protect those rights in practice.

See Reference Sheet 2 on page 67 for more information about International Human Rights Law and Principles.

**Getting All the Documents**

To understand the government, community, and company obligations in relation to the mine, you need to obtain copies of several agreements and permits that govern the mine’s operations. It is important that community members know what they, the government, and the developer have promised to do under the mining project agreements. These are complex legal and scientific documents. You will need to be able to explain them, as best as possible, to the community if they are not aware of the agreements’ contents.
Below is a list of the usual mining agreements and permits and where to obtain copies of them. Most mine documents will be kept on file at the Mineral Resources Authority.

**Mining Lease, Mining Easements, or Lease for Mining Purposes associated with the mine**
- **Request From:** The Mineral Resources Authority

**Memorandum of Agreement and Annexes**
- This is an agreement between the developer, the customary landowners, and the government about how mine benefits, such as royalties, will be divided up. Training, localization, and business spinoff plans developed by the company are generally included as annexes to the MOA.
- **Request From:** The Mineral Resources Authority, the Office of the State Solicitor, Department of Justice and Attorney General, the Mining Company, the President of the Landowners’ Association

**Social Impact Assessment**
- **Request From:** The Mineral Resources Authority, the Mining Company
- Environmental Impact Statement or Assessment, Environmental Permits, and any Environmental Orders associated with the mine
- **Request From:** The Department of Environment and Conservation, Mineral Resources Authority, the Mining Company

**Development Agreement**
- A standard form agreement outlining the mining company and the PNG State’s obligations in relation to the mining project. These agreements are for Special Mining Leases only.
- **Request From:** The Mineral Resources Authority, the Office of the State Solicitor, Department of Justice and Attorney General, the Mining Company

At the very least, the community representatives should have a copy of the MOA. For the other documents, they are public documents, and you can obtain copies by writing a letter to the relevant government department or the company. You can also request documents on the community’s behalf, if you have a letter of authorization from a community representative. See **Form 3** on page 49 for an example of the authorization letter.
It can take a long time to get the government to release mine-related documents. You will have to be persistent and keep following up with the relevant government department. The mine-impacted community members have a right to access these documents. See Reference Sheet 1 on page 51 for the contact details of relevant government departments.
Step Three

Community Entry
You have determined that your organization can be of assistance to the community, and the community has agreed that a more in-depth assessment of the mine’s impact is required. After you have completed your background research on the mining project, the company, relevant laws, human rights, and policies, the next step is to organize your visit to the mine site and affected communities.

Stakeholder Analysis
A community is made up of lots of different groups: rich and poor people, educated and uneducated, old and young, men and women, and different clans.

Not everyone in the community will feel the same way about a mining project. Some people might support mining on their customary land, and others might not. Young people might want the mining project to go ahead because they hope to get work at the mine. Other people might be concerned about the mine polluting the local river. You will have to be careful that you don't contribute to conflict within the community by taking the side of one group over another. Also be careful that your organization is not supporting actions wanted by only a small number of community members or customary leaders. Sometimes community members and customary leaders can have different, or even conflicting, priorities.
Once mining begins, it has a different impact on different groups within a community. For example, if the mine pollutes the river this might mean that women have to walk an extra two hours each day to find clean water. If the men don’t collect water, they are not affected in this way.

To fully understand the positive and negative impacts of the mine on the community’s way of life, you will have to talk to different groups within the community itself, as well as to the other mine stakeholders, such as the mining company or the local-level government.

A **stakeholder analysis** will identify mine stakeholders and their specific interests in the mine, as well as consider who is likely to be supportive of a human rights assessment and who may oppose it. You can also use this analysis to consider whose human rights are being impacted upon by the mine (rights bearers) and who is not meeting their human rights obligations (duty bearers).

The following information on stakeholder analysis has been sourced from the Department for International Development’s (DFID) Tools for Development: A Handbook for Those Engaged in Development Activity (2003) and the World Wildlife Fund’s Project Design in the Context of Project Cycle Management (2005). Both documents are available online.

<table>
<thead>
<tr>
<th>STEP 1: List All Stakeholders</th>
<th>STEP 2: Identify Stakeholder Interests</th>
<th>STEP 3: Prioritize Stakeholders</th>
<th>STEP 4: Identify Human Rights Holders and Duty Bearers</th>
<th>STEP 5: Summarize</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Who are the different groups that are involved in or affected by the mining project?</strong></td>
<td><strong>Which roles of different stakeholders in relation to the mine?</strong></td>
<td><strong>Which stakeholders benefit from the mine, and how?</strong></td>
<td><strong>Which stakeholders are the most important to the human rights assessment, and why?</strong></td>
<td><strong>Arrange the results of the stakeholder analysis in a table and discuss who you need to talk to in order to obtain a complete picture of the mine impact. What steps will you take to minimize problems with stakeholders?</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Which stakeholders are negatively affected by the mine, and how?</strong></td>
<td><strong>Which stakeholders might feel worried about you coming into the community to help?</strong></td>
<td></td>
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</tr>
</tbody>
</table>
Because you haven’t yet met with the stakeholders, a lot of this initial analysis will be guesswork. After you have visited the community, you can carry out this stakeholder analysis again and see if your initial assumptions about the different groups and their interests were correct.

**EXAMPLE OF A STAKEHOLDER ANALYSIS TABLE: RIVER POLLUTION**

<table>
<thead>
<tr>
<th>No.</th>
<th>Stakeholders (in order of priority)</th>
<th>Interests in Mine (- / +ve)</th>
<th>Rights / Duties</th>
<th>Will help with CLAIM Assessment? Important for Assessment?</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Landowning Community</td>
<td>+ Jobs, royalties, infrastructure development.</td>
<td>Rights holder. Rights affected: Right to Food, Right to Clean Water, Right to Health, Right to Work, Right to Self-Determination (freely dispose of natural resources).</td>
<td>Probably yes, they are the ones who have asked for help; some in community might not support, though. Very important for assessment, as they have lots of knowledge about how the river has been affected by the mine.</td>
</tr>
<tr>
<td>2</td>
<td>Women in the Community</td>
<td>+ Jobs on the mine and improved position of women through jobs.</td>
<td>Rights holders. Rights affected: Right to Food, Right to Clean Water, Right to Health, Right to Work, Right to Protection of Family Unit, Right to Security of Person (if increase in domestic violence).</td>
<td>Probably yes, they will benefit from not having to go far to get water, if steps are taken to remedy pollution or provide clean water to community.</td>
</tr>
<tr>
<td>3</td>
<td>Landowners Association</td>
<td>+ Business opportunities, leadership opportunities and royalties.</td>
<td>Rights holder. Rights affected: Right to Work, Right to Food, and Right to Clean Water.</td>
<td>Maybe, they might be resistant to challenging the mine due to business interests.</td>
</tr>
<tr>
<td>4</td>
<td>Company</td>
<td>Maximizing profits from mine, keeping mine running.</td>
<td>Duty bearer. Duty to Respect Human Rights of others (not do anything that would harm rights).</td>
<td>Community dispute over polluted waters poses a threat to company’s reputation and production at the mine.</td>
</tr>
<tr>
<td>5</td>
<td>Local-Level Government</td>
<td>Royalties, infrastructure, mine helps provides services to people in some LLG wards.</td>
<td>Duty bearer. Duty to Protect Human Rights and take steps to fulfil them - building infrastructure, etc.</td>
<td>Jealousy between some wards that get assistance and others that don’t is causing problems.</td>
</tr>
<tr>
<td>6</td>
<td>Other stakeholders as applicable.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Planning the Visit

Arranging Meetings

After conducting the stakeholder analysis, you should have a list of people and groups you would like to meet with. Consult with your community contacts and see if they agree with this list or have other suggestions. Explain that an objective assessment of the human rights situation in the community requires that the assessment team talk with all stakeholders, including the local government, other clans, different members of the community, and the mining company.

Ask the community representatives to help arrange your visit for a time convenient for the community.

Ideally, the assessment team will spend at least one week staying nearby or in the community. This allows for building trust and informal discussions with community members, particularly women, who may not feel comfortable speaking out in front of others.

It is important that the community representatives and other mine stakeholders are aware of the timing and reason for your visit. Be clear about what you can and cannot do for the community from the beginning, in order to manage expectations. You can do this by preparing an introductory letter explaining:

- Who you are, what your organization does;
- Why you are visiting the mining-affected communities and what you will do when there, including explaining the CLAIM assessment process:
  1. Initial interview
  2. Background research and follow up phone calls
  3. Visit community to conduct interviews and discussions with all stakeholders
  4. Return and research of options for community
  5. Visit community again to present options for action
  6. Continue to support community in carrying out their action plan
Who invited you (not identifying people by name);
When you plan to visit;
Include your contact details as well.

Send this letter directly, well in advance of the visit, to the Village Women's Representative, the Village Counsellor, the Village Magistrate, the Ward Head, and the mining company. Ask for the community representatives’ help in communicating this information to other community members.

Draw up a meeting itinerary and ask your contacts in the community if they think the itinerary will work.

It is always a good idea to try different methods of information collection to afford everyone an opportunity to talk, if they want. You can try a combination of one-on-one interviews with key people, focus group discussions, and informal talks with stakeholders.

<table>
<thead>
<tr>
<th><strong>Information Collection Methods</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>One-on-one interviews:</strong></td>
</tr>
<tr>
<td>If you think someone has a lot of important information about the mine impact, or needs to tell you something confidentially, you should speak with them individually.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>SECURITY TIPS</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Inform local authorities that you will be in the area. Always check the local security situation with your contacts before visiting the village. Check in with colleagues at the office each day to tell them you’re safe. Don’t travel with lots of cash or other valuable things. Travel with a mixed group of men and women. Always travel with someone from the community you are visiting.</td>
</tr>
</tbody>
</table>
**Logistics**
Most mine sites in PNG are in remote locations. Consult with your community contacts about the travel mode, cost, and time to get to the mining-affected communities from the closest city, and then how to move between villages and visit the mine site.

You can use **Form 4** on page 50 to help you plan your travel.
Step Four

The Human Rights Assessment – CLAIM
General Assessment Principles
There are some general principles that you should follow when carrying out a human rights assessment.

Respect Confidentiality
Human rights assessments often involve the collection of sensitive and personal data. Never disclose people’s names and what they told you to other interviewees without permission. This can put people at risk. For example, after interviewing a community member, do not go back to the mining company’s community liaison officers and say, “Mr. Marua told me that you never listen to community complaints”.

Be Independent
Talk to all the different stakeholders. Although you are there to assist the community that has contacted you, you need to talk to different stakeholders, so you get an accurate picture of the problem. The mining company or other communities may have a different view of the problem.

Use your own resources to conduct the assessment. If you accept money, transport, or food from the company or the community to help you conduct the assessment, other stakeholders might view you as not independent or biased.
**Be Accurate**
Cross-check data from different sources. If someone tells you something important, try to double-check this with other people you talk to, or conduct desk research to confirm the information.

**Be Transparent**
Provide everyone you talk to with clear, written information about who you are, what you are doing (the steps of the assessment process), and why you are doing it.

Acknowledge all sources of information, but get permission to use someone’s name or photo in a report.

Provide the results of your assessment to the community orally and in a simple, written format.

Provide your contact details to the people you speak with, so that they can contact you later if they have any questions about the assessment.

**Be Participatory**
You need to hear from a range of different people and make sure that the more vulnerable or marginalized groups in the community are able to participate in the assessment.

**Have The Right Knowledge and Expertise**
To conduct a human rights assessment in mining affected communities, you need to know about:
- PNG mining laws and practice
- Common benefits and challenges associated with mining
- International human rights law and principles, and how these apply to governments and companies
- Remedies for violations of the law and human rights
- Local culture and languages

**Evaluate**

After the assessment is complete, hold an internal evaluation. How did the process go? How can you improve?

Ask the community for feedback about the assessment process. Did they find it useful?

**The Human Rights Assessment Process**

**The PANTHER Framework**

This Manual uses a human rights framework originally developed by the UN Food and Agriculture Agency (FAO) for use in development planning. The framework is known as “P.A.N.T.H.E.R.” which stands for Participation, Accountability, Non-Discrimination, Transparency, Human Dignity, Empowerment, and the Rule of Law. PANTHER assists the assessment team to organize information collected through field and desk research, and to analyse how a community’s procedural and substantive rights are being affected by a mining project. PANTHER allows for the important human rights principles of participation, non-discrimination, transparency, and empowerment are considered, in additional to violations of substantive rights.
<table>
<thead>
<tr>
<th>Participation</th>
<th>Does the community participate in decisions made about the mining project? If yes, who in the community is involved in negotiations and making the final decision?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accountability</td>
<td>Are the company and government aware of the community’s grievances? What are the mechanisms to address such grievances, and what have they done to address this particular problem?</td>
</tr>
<tr>
<td>Non-Discrimination</td>
<td>Have certain groups or individuals been more severely impacted by the mining project than others?</td>
</tr>
<tr>
<td>Transparency</td>
<td>Is information about the mining project accessible to community members? How does the community, company, and government communicate with one another regarding the mining project?</td>
</tr>
<tr>
<td>Human Dignity</td>
<td>How has the mining project impacted upon human rights required to live a life with dignity? For example, the right to health, the right to an adequate standard of living.</td>
</tr>
<tr>
<td>Empowerment</td>
<td>What have the community or leaders done to address problems associated with the mine? What strategies and tactics have they used?</td>
</tr>
<tr>
<td>Rule of Law</td>
<td>Consider compliance with local laws, as well as human rights and business standards.</td>
</tr>
</tbody>
</table>

Further information about this framework can be found in the Human Rights-Based Approach (HRBA) to Development Toolkit, which is available at http://www.hrbatoolkit.org/.
**Preparing Assessment Question**

From your initial discussions with community representatives, desk research about the mine, and stakeholder analysis, you have identified the key issues associated with the mining project and the people that you will need to meet with during the assessment visit.

**Community Focus Groups and Individual Interviews**

A good way to start off discussions with different groups and individuals in the community is to ask them to reflect on what life was like before the mining project begun, what life is like now, and to think about how and why these changes occurred. Beginning the discussion like this can draw out issues that may not have been identified previously. You can then move into a discussion about the good and the bad things about the mining project. Mining impacts are not always bad, and it is important to obtain a balanced picture of how the community’s life has been affected by mining.

1. What was life like before the mining project began?
2. What is life like now?
3. How have things changed and why?

Focus on actions and events associated with the mining project. You can ask community members to draw pictures to describe these changes, if easier.
4. In your opinion, what are the good things about the mining project? What are the bad things?

As these questions are discussed, try to identify specific human rights and how they have been impacted upon. If many issues are raised, ask the interviewees or focus group participants to prioritize the issues.

5. Which impact is the most serious or beneficial?

Once the discussion is concluded, you can then move into more specific questions related to PANTHER.

See Reference Sheet 4 on page 95 for a list of guiding questions aimed at the main mine stakeholders: the mine-affected communities, executives of the landowners association, the mining company, and the mining regulators (the Mineral Resources Authority and the Department of Environment and Conservation).

These questions are a guide only, as actual interview questions will differ based on the nature of the mining project, who the stakeholders are, the problems that mine-affected communities are experiencing, and the amount of time you have to talk with people.

Your discussion can conclude with the question “What now?” and a brainstorming session about the changes the community wants to see happen and how to achieve these changes. Try to encourage interviewees and focus group participants to think of short, medium and long term goals. Also keep in mind that different people or groups in the community may want different things, and that this will affect any resulting plans of action.

**Interviews with Mining Company Employees**

Mining company representatives will usually want to see a copy of the questions you plan to ask ahead of time, so that they can prepare their answers. You can send a basic list of questions to the company via email first, and then revise the questions after you speak with community members. You can use the interview with company representatives to confirm information provided by community members about mine impacts.

The mining company should be able to provide detailed information on:

- Mine life, size and production
- Number of people employed by the mine (number of local community members, number of women employees) and under what conditions
• Mine training programs and safety standards
• Working conditions at the mine
• The structure and functioning of the landowners association (the company is often involved in the association’s establishment, and may even support its operations)
• Company community liaison procedures – what kind of information is provided to the community and how
• Security arrangements for the mine

• Obligations and compliance with these obligations of all parties to the MOA
• The conditions of the mine environmental permit, and the company’s environmental testing and reporting procedures
• How often the government visits the mine to monitor its operations
• International business and human rights standards that the company has signed onto
• Whether the mine is financed with money from banks who have signed the Equator Principles, or international development banks
• Company human rights, social and environmental sustainability policies
• How the company is addressing the negative human rights impact of the mine (if such impacts were identified by the company)

See Reference Sheet 4 on page 95 for a list of guiding questions.

Interviews with the Mining Regulators
The Mineral Resources Authority (MRA) and the Department of Environment and Conservation (DEC) are the national government regulators who possess the most information about the mine and the company’s compliance with PNG law. Each operational mine in PNG has its own MRA officer assigned to it, and this is the person most likely to be aware of all the issues associated with the mine.
The national level-regulators should be able to provide you with information about whether the mining company is in compliance with its obligations under PNG law, and will have access to all the documents associated with the mine. They should also be aware of any community concerns related to the mine.

See Reference Sheet 4 on page 95 for a list of guiding questions.

Most of the information requested from the mining company and the government regulators is information that is, or at least should be, publically available. Customary landowners on whose land the mine is located have a right to access information about the mining operations. Even if the mining company or the government regulator is slow in responding to your requests for information, you should remain persistent.

Use the Authority Form on page 49 to request information on the community’s behalf.

**Conducting Interviews and Discussing**

At the beginning of each interview, explain who you are, what you are doing, why you are doing it, and what you will do with the information they give you. Make it clear you will not use any names or photos in any reports – unless they give their permission.

Ask permission to record discussions. Having a recording can help you remember important points from discussions, particularly when you are conducting lots of interviews.

**Feeling Comfortable to Talk**

It is important to create a comfortable space, so that people in the community feel happy to talk with you. You can do this by:
• Introducing yourself, so people know your name, where you are from, and what organization you work for.
• Being clear about who invited you to come to the community and why. Having a short letter about who you are and why you are there can be helpful for people to refer to.
• Explaining how the information the community members give you will be used.
• Arriving when you say you will.
• Being honest and not making promises you can’t keep.
• Staying with the community and providing your own food.
• Visiting at a time that does not interfere with busy gardening or other community work periods.
• Having men and women on your team, and speaking with men and women in the community separately. Sometimes there are topics that women don’t want to discuss with men or that men don’t want to discuss in front of women.
• Speaking with the elderly and the youth separately. Sometimes younger people feel shy to talk in front of older people.
• Finding a private space to speak, if people want to share sensitive information.
• Actively listening, not interrupting too much.
• Putting yourself amongst and at the same level as your interviewees. If people are sitting on the ground, sit on the ground with them.
• Never passing on the names of people who have provided you with information to others – respecting confidentiality!
• Giving your contact details, so people can get in touch with you if they like.
• Always thanking interviewees for their time.

At the end of each day debrief with your colleagues and ask yourselves:
• Do people understand why you are there and the questions you are asking? If no, how should you change questions or approach?
• Is there information that is inconsistent and needs to be confirmed?
• What gaps are there in your knowledge?
• What are the interesting community or other stakeholder dynamics emerging?

Presenting Initial Assessment Findings to The Community Leaders
Once you have met and interviewed relevant people, prepare a very brief summary of the information you have received and present this to community leaders or representatives. Get the community leaders’ feedback on the information and your analysis. Identify a good time to return to the community to present the final assessment results.

Analysing Your Findings
Listen to your recordings and discuss the information you have collected to date. Summarize your analysis of the problem in a very brief report that follows the PANTHER framework outlined above.
You will probably have to conduct some research on what the communities can do, in order to provide them with the desired remedy or solution to the human rights issues in question.
Remedies

Your suggestions to the community on how they can resolve their problem will depend upon the circumstances of the case and the community’s priorities.

Community members themselves are best placed to decide upon a plan of action. But you can help the community members think through the possibilities – such as asking church leaders to help the community bring their requests to the government or mining company.

And of course, it is important that you inform the community about the complaint mechanisms that can be used to request the company or government change their behaviour. Community members might not be aware of these complaint mechanisms, or they may need assistance to access them.

Operational Level Complaint Mechanisms

The first step should always be to complain to the organization you think is responsible for the problem or human rights violation. Perhaps the company or government is not aware of the problem, or possible violations. They may be willing to work with you directly to adjust their practices and help you obtain a speedy resolution to the problem.

The complaint needs to come from someone who is affected by the mining project in question. And the person or organization against whom the complaint is being made should be given a reasonable period of time to respond before you take your complaint to another forum like the media or your local member of parliament.

Check out the company’s website to find out what sort of human rights, labour, environmental, or social policies they already have in place. If you cannot find any such documents on the Internet, it does not mean they do not exist – so contact the
company to see if they can provide you with the copies. If you believe that the company is violating any of its posted policies, you should point this out to them and ask them to correct their actions or to explain why it is not possible.

It is very important that you collect as much evidence as possible to support your complaint. Photos are particularly useful in showing both the type of violations that you think are occurring and the damages that are being caused. Additionally, you will need doctor’s certification to document any physical abuse or injury caused as a result of violations.

Some General Rules About Complaints
If you are making a complaint against a company, a government agency, or an individual, you need to include the following information in your complaint:

1. Your name and contact details
   If you are complaining on behalf of someone else, explain why, and explain your relationship with the person on whose behalf you are complaining

2. Basic information about who you are complaining about:
   I. Name of the company, government agency, or individuals involved
   II. Where the company’s headquarters are located
   III. If the company is listed on stock exchanges or if it is privately owned
   IV. The company’s social and environmental policies/code of conduct

3. What are you complaining about? Include a list of facts explaining what happened. Who has been affected by this problem and how?

4. What parts of the Organization’s Policies or Guidelines do you think the company has breached?

5. What evidence do you have of the actions you are complaining about?

6. What you have done so far to resolve the problem (provide dates/times, summaries
and evidence of emails or letters, if possible), and if any progress has been made. Most international complaint mechanisms require you to have already taken some action to resolve the problem first with the company or the government.

7. Has the conduct of the company, government agency, or an individual violated any laws, treaties, or international standards?

8. What you want the company, government agency or individual to do to fix the problem you are complaining about?

9. What you have done so far to resolve the problem (provide dates/times, summaries, and evidence of emails/letters, if possible), and if any progress has been made. Most international complaint mechanisms require you to have already taken some action to resolve the problem first with the company or the government.

10. Has the conduct of the company, government agency, or an individual violated any laws, treaties, or international standards?

11. What you want the company to do to fix the problem you are complaining about?

The Ombudsman Commission of PNG

If you have a complaint about a government official or department’s conduct in relation to a mining project and your local-level government representatives are unable or unwilling to resolve the complaint, you may wish to contact the Ombudsman Commission. The Ombudsman Commission is an independent institution, established by the PNG Constitution, whose role is to investigate allegations of abuse of power or bad administrative decision making by government officials. The Commission is also mandated to receive complaints of discriminatory practices and has a separate unit dedicated to working on police abuse. The Ombudsman Commission has a head office in Port Moresby, as well as regional offices in Mt. Hagen, Lae, and Kokopo. You can find more information on the Commission’s website, http://www.lawandjustice.gov.pg/www/html/110-agency-contacts.asp.

<table>
<thead>
<tr>
<th>Head Office</th>
<th>Regional Offices</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deloitte Tower, Douglas Street, Port Moresby</td>
<td>Mt. Hagen AGC Building Hagen Drive</td>
</tr>
<tr>
<td>Phone: 308 2600 or 320 3255</td>
<td>Phone: 542 1986</td>
</tr>
<tr>
<td>Fax: 320 3266</td>
<td>Fax: 542 2497</td>
</tr>
<tr>
<td>Lae Vele Rumana Building, 4th Street</td>
<td>Phone: 472 1695</td>
</tr>
<tr>
<td>Phone: 982 8792</td>
<td>Fax: 982 8953</td>
</tr>
</tbody>
</table>

Village Courts and Customary Justice Mechanisms

If a mining-related dispute or problem exists between different clans within the community, traditional dispute-resolution mechanisms are often the most accessible dispute resolution mechanism for members of the community. Community-based dispute resolution mechanisms can help come up with an acceptable solution much faster and cheaper than various official channels. One example of such mechanism is the village courts, which are hybrid institutions that combine elements of both formal
and traditional justice. Even though they are established by PNG government by law, they rely on amicable settlement of problems by village leaders in accordance with local customs.

**PNG Courts**

If the company or the government has broken the law or terms of a contract, you may be able to sue them in court. The court will review facts and circumstances of the alleged violation and any evidence that you have collected. It will then decide if the violation has indeed occurred and, if so, what sort of compensation or other remedy you have the right to under formal, written laws. Court proceedings, however, often involve distant travel to the courthouse and significant expenses (such as filing and other court fees, lawyer fees, travel costs, and lost income). In addition, it may be difficult for people from the community to understand what is going on in the court, as the trials use complicated legal language. Finally, it takes a very long time to obtain resolution of your problem through a court. Taking the company or the government to court should be a last resort, used only if you are unable to settle your dispute through other channels.

The National Court also has a fast-track option for resolving violations of human rights that are protected by PNG Constitution. To use this fast-track, you need to clearly indicate the human rights nature of the case and inform the registrar when you lodge your case with the National Court. More information can be found on the Courts’ website, at http://www.pngjudiciary.gov.pg/home/index.php/national-court/civil-cases/equity-division/human-rights-track.

**Human Rights Forum, Department of Justice and Attorney General**

This is a forum of government departments, UN agencies and NGOs working on human rights issues in PNG. Meetings are convened by the Secretary of the Department of Justice and Attorney General every three months. The Forum is primarily for information sharing between the different organizations. However, CELCOR has also used this forum to request assistance from forum members in writing a letter to the chief of police requesting that he investigate unlawful arrest and detention allegedly being perpetrated by police on the behalf of logging companies. There may be potential for the Human Rights Forum to develop into a platform for joint-action on human rights issues. CELCOR can provide more information about the forum’s meeting agenda and dates.

**Work with Local Members of Parliament and Government Regulators**

You may also consider working with members of the local-level or provincial-level governments or your local Member of the PNG National Parliament, to inform them about the problem and ask them to advocate on your behalf by raising awareness of
the problem. If the company does not already have human rights and other policies in place, you could ask National Parliament Members for their help in encouraging the company to adopt such policies and to comply with them.

Another useful channel through which to address your mine-related complaints is by going to the regulatory agencies within PNG Government that are responsible for supervision of mines. For example, you may ask the Mineral Resources Authority (MRA) to help you resolve the problem you have with the mine. The MRA oversees mining leases and exploration licenses and makes sure companies are complying with the mining laws. The MRA has a Mines Inspectorate Branch which regulates health and safety in the mining industry. Managed by the Chief Inspector of Mines, this unit’s functions include, among others, conducting inspections at mine sites and advising mines management on compliance with their legal and contractual obligations, as well as conducting accident investigations and inquiries at mines sites. Additionally, each large mine will have a MRA staff member assigned to oversee its operations. See Reference Sheet 1 for MRA’s contact information.

Another government agency that could help you settle your dispute, if it is related to an environmental issue such as pollution, is the Department of Environment and Conservation (DEC). DEC is responsible for ensuring that companies have a good plan to reduce the negative impact of mining on the environment and comply with this plan. See Reference Sheet 1 for DEC’s contact information.

**Go Public**

Finally, it is important to keep in mind that companies and the government do not like negative publicity surrounding their actions. Therefore, particularly if you are having difficulty resolving your dispute through other mechanisms, a good strategy would be to engage in a media campaign to put the violations of human rights, injuries, and other problems into spotlight. A good media campaign should include elements such as calling journalists, writing letters to journalists and newspapers, and arranging to speak about your issues on radio. Exposing mine-related violations and drawing national attention to them can be very productive in shaming companies into changing their actions, especially if they are violating their own human rights and other policies, or encouraging them to put in place the missing policies. You may wish to consider reaching out to the two major newspapers in PNG, if you are interested in launching a national publicity campaign about mine-related problems and violations:
UN HUMAN RIGHTS MECHANISMS
If court processes and complaints have been tried already and failed to resolve the problem, and the problem involves the State failing to protect or respect the rights of the community, the community can:
1. Complain to the UN Human Rights Council
2. Complain to one of the Special Rapporteurs

At the most, if a serious human rights violation has taken place, these UN human rights mechanisms will write a letter to the government of PNG asking for the violation to be remedied. Although PNG has ratified the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic Social and Cultural Rights (ICESCR), PNG does not allow individuals to complain to the two UN Committees that oversee the implementation of these treaties. PNG is, however, required to submit regular reports on how the State is implementing its human rights treaty obligations. When the PNG government submits a treaty report, non-government organizations can prepare an alternative or “Shadow Report” on how the State is meeting its human rights obligations under the treaty. Shadow reports and NGO submissions for the Universal Periodic Review of a State’s human rights record are used for addressing systematic problems like unjust laws or discriminatory practices, but not for individual complaints. More information on PNG’s treat reporting obligations is available at, http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/countries.aspx?CountryCode=PNG&Lang=EN

See Reference Sheet 3 on page 82 for more information on industry standards, as well as possible remedies and complaints mechanisms.
Step Five

Reporting Back and Next
Share a short, written copy of the preliminary assessment results to all stakeholders who have provided you with information for the assessment and give them the chance to clarify or correct any information in your report.

Prepare a briefing for the community, involving a simplified written version of your PANTHER analysis, along with several options on how they could try to resolve problems raised during the assessment. These options should take into account the different national and international complaint mechanisms available, and assess which of those are most likely to obtain the result the community desires. In developing these proposed options, consider how your organization can support the community and the need for any other external resources. For example, sometimes environmental damage cases require experts who can assess the damage and provide an independent opinion.

Return to the community and present the assessment results verbally, making sure that different groups within the community, particularly women, have an opportunity to hear this verbal briefing and understand the options for action that you have presented. If the community wishes, you can then spend time working with community members to develop a detailed plan of action.
Remember that your role, as a community worker or lawyer, is to empower communities to resolve problems through their own action. You can provide information and advice to community members about their rights, the potential impacts of mining, and mining law and practice, in order to assist them make informed decisions about their land. However, only the community itself can decide how to resolve their problems. You are likely to experience pressure from community members who have high expectations about your organization’s ability to solve their problems, and you will have to be clear about your role.
CONCLUSION

You have now gone through all the steps of CLAIM – a Community Level Assessment of the Impact of Mining:

STEP ONE: THE FIRST INTERVIEW, where you collected information from a community representative who requested advice on a mining-related issue.

STEP TWO: BACKGROUND RESEARCH, where you researched information on the mine, the local community, and the mining company, as well relevant domestic and international norms.

STEP THREE: COMMUNITY ENTRY, where you conducted a stakeholder analysis, identifying mine stakeholders and their specific interests in the mine.

STEP FOUR: THE ASSESSMENT, where you carried out the CLAIM assessment with the community, using the PANTHER framework.

STEP FIVE: REPORTING THE RESULTS AND DETERMINING NEXT STEPS, where you visited the community to present assessment results and discuss potential remedies and action points.

This assessment process should have:

- Helped you and the community members to understand the mining project’s good and bad impacts on the community;
- Helped the community members understand their rights under PNG and international human rights law;
- Provided a good basis for planning action to remedy the negative human rights impacts, if any, associated with the mine.

Mining will have both positive and negative impacts on communities. Mining can bring benefits, such as employment, education, infrastructure, and royalty payments, and have negative effects, such as increased migration into the area, breakdown in custom and environmental damage. This assessment tool is intended to assist community workers and lawyers who work with mining-affected communities to ensure that landowners make informed choices about mining and exploration. CLAIM is also intended to improve community bargaining power in relation to mining companies and the PNG government by providing an analytical framework through which community lawyers can understand the impacts of the mining projects and identify possible solutions.

When negotiating complex and technical mining agreements, landowners should always have independent legal advice from lawyers who specialize in mining law – just like the companies and the PNG government, who have many lawyers advising them.
on MOAs or Development Agreements. In practice, landowners rarely have access to independent professional advice prior to concluding mining-related agreements. CLAIM represents a small step in rectifying this situation.
FORM 1: INITIAL INTERVIEW

DATE OF INTERVIEW:

1. Community Representatives Interviewed:
   Name: 
   Age: 
   Sex: M / F
   Married: YES / NO
   Contact Number: 
   Clan: 
   Role Within Community / Job: 
   Authorized by custom to speak on land issues: YES / NO
   Address (Village, Ward, LLG, Province): 

   Name: 
   Age: 
   Sex: M / F
   Married: YES / NO
   Contact Number: 
   Clan: 
   Role Within Community / Job: 
   Authorized by custom to speak on land issues: YES / NO
   Address (Village, Ward, LLG, Province): 

2. Village Councillors, Magistrates, and/or Ward Head:
   Name: 
   Contact Number: 
   Clan: 
   Role Within Community / Job: 
   Authorized by custom to speak on land issues: YES / NO
   Address (Village, Ward, LLG, Province): 

   Name: 
   Contact Number: 
   Clan: 
   Role Within Community / Job: 
   Authorized by custom to speak on land issues: YES / NO
   Address (Village, Ward, LLG, Province): 

3. Landowners’ Association President:
   Name :
   Contact Number :
   Clan :

4. Name of Mine:

5. Name of Company/ies:

6. Mine General Manager:
   Name :
   Contact Number :

7. Mine Community Liaison Officer/s:
   Name :
   Contact Number :
SUGGESTED QUESTIONS

Let the community representatives speak first. You can ask any unanswered questions once they have finished. This list is intended as a guide only. Try to develop a chronology of events based on what the community representatives tell you.

1. What is the issue you are seeking our assistance on? What happened?
2. When did this issue first arise? (Try to obtain dates)
3. Why did this issue arise?
4. Who do you think is responsible and why do you think this?
5. Who do you represent (clan/families/community)?
6. On whose land is the exploration license / mining lease located?
7. When did exploration/mine construction/operation begin?
8. What villages/communities are affected by the mining project? How many families and different clans?
9. Has your community incorporated a Land Group? If yes, who created this group and when?
10. Who are the leaders of the Landowners Association?
11. Did your community or some people from your community give permission to the Developer to start work in the area?
12. If yes, how did they give this consent? Who did the company and/or government talk with in the community?
13. Has the community signed any agreements with the government and/or company? Who signed the agreement? What is their role in the community?
14. Do you have copies of the agreements we can see?
15. How are people affected by the mining project? (Ask how girls, boys, young, old, women, men have been impacted differently)
16. What rivers, land, or cultural sites have been affected and how (sedimentation, deforestation, flooding or site destruction)?
17. Do you know how mine waste and tailings are disposed of (septic tank, deep sea or riverine tailings, or a tailings dam)?
18. Have you raised your concerns with the government or the developer/company? If yes, how have you done this (written letters, held meetings)?
19. What actions have the company or government taken to solve the problem?
20. What do you want to happen now?
21. What do you want us to do to assist?

Name of Interviewer: _________________________
Date: ___ /___/___

Signature:
FORM 2: COMPANY (MINE) INFORMATION

One Form can be filled out per company involved in the mine

DATE:

Name of Mine:

Type of mineral being mined:

Life of Mine (Year mine construction began until planned mine closure):

Last financial year profits and mineral production:

Last financial year royalties paid:

Name of company:
Nationality of company:
Mine ownership share (%):        Circle: Operator or Owner or Both
☐   Sustainability Policy
☐   Other relevant policies (specify)

☐   Human Rights Policy

Business and Human Rights Standards:
☐   OECD Guidelines for Multinational Enterprises (company from OECD Country)
☐   Voluntary Principles on Security and Human Rights (company has signed onto principles)
☐   World Bank/Asian Development Bank/MIGA/International Finance Corporation Performance Standards (project is funded by international bank)
☐   Equator Principles (project is funded by a bank that has signed onto these principles)
☐   UN Global Compact (company has signed onto the UN Global Compact)
☐   International Council on Mining and Metals Sustainability Framework (company has signed onto the Sustainability Framework)
☐   Global Reporting Initiative (company complies with GRI’s reporting guidelines)
AUTHORITY FORM

I, (client name) _______________ , of the _______________ Village, and the duly appointed Clan Leader/Sub-Clan Leader by custom of the _______________ Clan of the _______________ Tribe in the _______________ District of _______________ Province, and a customary landowner within _______________ Area, hereby agree to join and give my support to (name of lawyer / representative organization) _______________ to represent myself and my clan members in any negotiations with _______________ or other persons and/or institutions.

The contents of this authority have been translated to me in the _______________ Language by _______________ of the _______________ Clan, a language of which I fully understand.

Signature/Mark: _______________ Date: _______________ Venue: _______________
Signature of witness: _______________ Name of Witness: _______________
Venue: _______________ Date: _______________
1. Best visit dates for the community:
2. Best days/times to meet with the women /men / youth as a group:
3. Security situation in the area (clan fighting, problems with police or private security companies, etc.):
4. Names of Officers Traveling:

<table>
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<tr>
<th>No.</th>
<th>Date</th>
<th>Activity Description</th>
<th>Transport</th>
<th>From/To</th>
<th>ETD*</th>
<th>ETA*</th>
<th>Accommodation/Venue</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>7/7/13</td>
<td>Travel</td>
<td>Travel Air</td>
<td>Hoskins to Tokua</td>
<td>10.00</td>
<td>10.40</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>7/7/13</td>
<td>Travel</td>
<td>Air Niugini</td>
<td>Tokua to Kavieng</td>
<td>17.10</td>
<td>17.45</td>
<td>Kavieng Hotel 1 night</td>
<td>4 people x 280 K x 1 night</td>
</tr>
<tr>
<td>5</td>
<td>8/7/13</td>
<td>Travel</td>
<td>Hire Care</td>
<td>Kavieng to Konos</td>
<td>06.00</td>
<td>08.00</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>8/7/13</td>
<td>Travel</td>
<td>Banana Boat</td>
<td>Konos to Tatau</td>
<td>09.00</td>
<td>11.00</td>
<td>Guest House 5 nights, from 8/7/13 to 13/7/13</td>
<td>4 people x 150 K x 5 nights</td>
</tr>
<tr>
<td>7</td>
<td>9/7/13</td>
<td>Focus group discussion</td>
<td>Walk</td>
<td>X Village</td>
<td>08.00</td>
<td>12.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>9/7/13</td>
<td>Focus group discussion</td>
<td>Walk</td>
<td>Y Village</td>
<td>14.00</td>
<td>17.00</td>
<td></td>
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</tr>
<tr>
<td>9</td>
<td>10/7/13</td>
<td>Meeting with Mary D</td>
<td></td>
<td>Mine Mess</td>
<td>9.00</td>
<td>11.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>10/7/13</td>
<td>Meeting with John P</td>
<td></td>
<td>Y Village</td>
<td>11.30</td>
<td>13.00</td>
<td></td>
<td></td>
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</tbody>
</table>

5. Names and phone numbers of people for one on one interviews
   - Mary D 734 5813
   - John P 780 7756
REFERENCE SHEET 1

MINING LAW AND PRACTICE IN PAPUA NEW GUINEA

Mining Tenements
According to PNG law, all minerals are owned by the State. This means that both individuals and companies must get permission from the Government if they want to search or mine for minerals in PNG. The government gives this permission by granting leases and licenses, also called “mining tenements.” There are six different types of tenements.

1. **Alluvial Mining Lease**

These leases are used for small-scale mining that is carried out in river beds. Only landowners or incorporated landowner groups can apply for this kind of lease. The lease can cover up to five hectares of land and be granted for a period of five years, with the possibility of future five year extensions.

2. **Exploration Licences**

The first step in large-scale mining occurs when a developer/company applies for a mining exploration license. This license gives permission for a company to occupy the land within the license area, remove soil and rocks, and use any water on the land in order to search for minerals. Exploration licenses are granted over a big area of land. The maximum size of an exploration license is 2,355 sq. km. This is the same as 346,000 rugby fields joined together. Under an exploration license, the company promises to spend a certain amount of money each year to look for minerals, and must give up some of the land within the exploration license each year. This is to force the company to keep looking for minerals. Exploration licenses are granted for an initial two-year period, but can be extended. If the company finds enough valuable minerals in the exploration license area, it will apply for a mining lease or a special mining lease over the land.

3. **Mining Lease**

A mining lease is for medium-size mines. A mining lease will only be granted to a company that already has an exploration
license over that land. The mining lease will give the company permission to occupy the land and the right to do anything necessary to extract and process minerals. This includes the right to remove soil, rock, and minerals from the land, to build any infrastructure required for the mine, and to take, and divert waterways flowing through the mining lease. ONLY the company or person that holds the mining lease is allowed to mine on that land.

A mining lease can be issued for up to 20 years and can be extended for periods of up to 10 years.

4. Special Mining Lease
Special mining leases are for large mines and can be granted for a period of up to 40 years, with extensions for periods of up to 20 years. The process for granting a special mining lease is different from that for mining leases, but the rights conferred by the lease are the same.

5. Lease for Mining Purposes
A lease for mining purposes gives the developer the right to occupy land in order to build houses, tailing dams, airstrips, and any other infrastructure for the mine.

6. Mining Easement
A mining easement gives the developer a right to pass over land that it doesn’t own or have a lease over. This is often used for bridges or pipelines.

PNG Mining Legislation
1. Mining Act of 1992
2. Mining Regulations of 1992
4. Mineral Resources Authority Act of 2005
6. Mining Bougainville Copper Agreement Act of 1967
7. Ok Tedi Agreements
8. Environment Act of 2000 and Regulations
10. Land Groups Incorporation (Amendment) Act of 2009

You can find copies of these Acts at http://www.paclii.org/pg/legis/consol_act/
Mining Lease Approval Process

APPLICATION
If a company discovers enough minerals within the area of its exploration license, that company can apply for a mining lease or a special mining lease to remove, process, and sell the minerals.

A mining lease application must include information about how the company will reduce the negative environmental impacts of the mine. Although not required by PNG mining law, the company often prepares a report on how it will minimize the negative social impacts of the mine as well.

At this stage, the company may begin to prepare landowner identification studies. These determine who owns the land within the mining lease area and will be entitled to mining royalties in the future.

WARDEN’S HEARING
Before the grant or renewal of any mining tenement, the Mineral Resources Authority (MRA) will arrange a Warden’s Hearing. The Mining Warden will travel to the mine area and meet with the company and community members to discuss the company’s exploration or mining plans. If community members have any concerns about how the mine will affect their lives – such as pollute the waterways, take over land being used for hunting, gardens, or houses, or affect cultural sites – they need to attend the Warden’s hearing and tell the Warden their concerns and what they want done. The Warden’s hearings are usually organized by the local-level government.

Community members can also write letters to the Warden to express their wishes and concerns. The Warden will report on the meeting and make recommendations to address community concerns, if necessary.

MINING ADVISORY COUNCIL
All application documents, including the Warden’s report, will be submitted to the Mining Advisory Council. The Council advises the Minister for Mining on mining issues and includes representatives from the Department of Environment and Conservation, the MRA, the Department of Mineral Policy and Geo-hazards Management, Treasury, the Department of National Planning, and a Ministerial appointee. The Mining Advisory
Council will review the application and recommend to the Minister whether or not to grant the mining lease.

**Minister for Mining**
The Minister will make the final decision on granting a lease or license and on any future extensions.

**Negotiation of Benefit Sharing and Compensation Agreements**
While this approval process is going on, negotiations begin over benefit distribution and community compensation related to the mining project.

**Special Mining Lease Approval**
The grant of a special mining lease involves several steps in addition to those required for a mining lease.

**Development Forum**
The Minister for Mining must hold a Development Forum to consider the views of the persons and authorities whom the Minister believes will be affected by the grant of the special mining lease. If anyone has concerns about how the proposed mine will affect them, wants to make specific requests on how the mining profits are used by the government and the developer, they can raise these issues here.

The distribution of mine benefits between different levels of government and the landowners will also be discussed at this Forum.

Often, these Forums are held far away from the planned mine site and involve only a small number of community representatives. This makes it hard for the other community members to know what the developer, the government, and their representatives are discussing. For more transparency, the community could insist on the Forum being held close to the proposed mine site, in the local language, and request the proceedings to be filmed and shown to community members who couldn’t attend the Forum.

**Mining Development Contract**
Developers applying for a SML will also have to sign a mining development contract with PNG National Government. This is a standard contract, under which the State agrees to provide all the necessary permissions for the company to develop the mine, and the company agrees to:

1. have and comply with an environmental plan to manage the environmental impact of the project,
2. put into place a training and localization plan, to ensure that local people get work and training and that local businesses are developed,
3. pay landowner compensation for loss of land and destruction of trees, houses, and gardens due to the mine construction.

4. Development agreements used to be promulgated by Acts of the National Parliament, as with the Ok Tedi and Bougainville Acts.

**Governer General**

After the Development Forum has been held, the Mining Advisory Council will recommend whether or not to grant the special mining lease. The Governor General will make the final decision on granting the lease and on any future extensions.

**State Ownership of Mines**

Under the 1992 Mining Act, the PNG State can choose to purchase up to a 30% share in any mining tenement. This means that the PNG State can become a partial owner of a mining project. This ownership interest is called “equity” and entitles the PNG State to share in the mine's profits, as well as in its losses.

If the PNG State does purchase “equity” in a mining project, it must give 5% of its share to the customary landowners. This landowner equity will be managed on the landowners’ behalf by the Mineral Resources Development Company, a State-owned company, or another company nominated by the State.

In 2013, the PNG State owned part or all of the following mines:

1. Ok Tedi Copper Mine in Western Province
2. Porgera Gold Mine in Enga Province
3. Tolukuma Gold Mine in Central Province
4. Ramu Nickel-Cobalt Mine in Madang
5. Panguna Mine in Bougainville (inactive)

Landowners also own a share of Ok Tedi, Porgera, and Ramu mines.

**Mining Industry Oversight**

The following government and non-government bodies are all influential players in the PNG mining industry.
**Mineral Resources Authority (MRA)**
The MRA oversees mining leases and exploration licenses and makes sure companies are complying with the mining laws. Each large mine will have a MRA staff member assigned to oversee its operations. The Mining Warden is a staff member of the MRA. The MRA is located in Port Moresby and does not have any offices in the provinces.

Address: Mining Haus, Poreporena Freeway, PO Box 1906, Port Moresby
Phone: + (675) 321 3511
Fax: + (675) 321 5711
Email: info@mra.gov.pg
Web: www.mra.gov.pg

**Department of Mineral Policy and Geo-Hazards Management (DMPGM)**
DMPGM is responsible for reviewing government mining law and policy.
Address: Government House Road, Konedobu (Behind Mining Haus), Port Moresby
Phone: + (675) 322 7686 / 321 1961

**Mineral Resources Development Company (MRDC)**
If the government has decided to become a part owner of a mine under a special mining lease, a small part of the government’s share will be given to the customary owners of the land within the mining lease area. MRDC’s job is to look after the landowners’ small share of mine profits and invest them wisely.
Address: First Heritage Centre Building, Level 1, Waigani Drive, PO Box 1076, Port Moresby
Phone: +(675) 325 5822 / 302 9600
Fax: + (675) 325 2633
Email: enquiry@mrdc.com.pg
Web: www.mrdc.gov.pg

**Department of Environment and Conservation (DEC)**
DEC is responsible for ensuring that companies plan to reduce the negative impact of mining on the environment and comply with this plan.
Address: Bemobile Building, Waigani Drive, PO Box 6601, Boroko, Port Moresby
Phone:  + (675) 301 4500
Fax: +(675) 325 0180
Web: www.dec.gov.pg

**Office of the State Solicitor, Department of Justice and Attorney General**
The Office of the State Solicitor are the government’s lawyers. Lawyers from this office help the government negotiate and review mining contracts with the developers, as well as benefit sharing agreements with landowners and the developer.
Address: Sir Buri Kidu Haus, Independence Drive, Waigani, PO Box 591, Port Moresby
Phone: +(675) 301 2938
Fax: + (675) 301 2965
Web: www.justice.gov.pg
The Provincial Mining Focal Point
Each Provincial Office should have an officer responsible for mining in the Province. He or she is assisted by the Provincial Legal Officer.

PNG Chamber of Mines and Petroleum
This is organization is funded by, and represents the interests of, the mining, oil, and gas industries. The Chamber also has an oversight role in making sure that its members are good corporate citizens. Address: First Floor, The Lodge, Brampton Street, PO Box 1032, Port Moresby Phone: + (675) 321 7311 Fax: + (675) 321 7107 Web: www.pngchamberminpet.com.pg

Compensation
Before a company can enter the land and explore or mine for minerals, it must agree with customary landowners on compensation for loss of land, damage to land, loss of economic plants and trees, and social disruption. There is no definition of compensation in the mining laws. Compensation could be given in money, infrastructure, or services, or in traditional forms of compensation. “Social disruption” is also not defined.

A standard often used by developers to assess compensation is the 2008 Valuer General’s Compensation Schedule for Trees and Plants in all Regions. The compensation amounts listed for trees and plants are intended to provide guidance only in the negotiation of compensation agreements. The amounts listed in this guide may not reflect the true productive value of the tree or plant.

Mining project developers often work with communities near the prospective mine site to survey clan land and identify all the landowners, in order to prevent paying compensation to the wrong people.
Customary landowners should be represented by a lawyer to help them negotiate just compensation from the company.

**Benefit Sharing Agreements**

A Memorandum of Agreement (MOA) is an agreement between the local, national, provincial governments, the developer, and the landowners. It is an agreement on how mining benefits will be distributed amongst the parties and is the document that is most frequently used to regulate the relationship between the company, the government, and the landowners. MOAs are governed by informal practice because they are not mentioned in the 1992 Mining Act. A MOA might be negotiated and signed either before or after the grant of a mining or special mining lease.

Standard practice is to review a MOA every five years. There are no limitations in the law about what can be renegotiated during these periodic reviews.

Mining benefits often specified in MOAs include:

- **Equity**
- **Special Support Grant**
- **Royalties**
- **Infrastructure**
- **Tax Credit Scheme**
- **local employment and business opportunities**

**Royalties**: This is a fee that the mining company pays the PNG National Government in return for the State’s permission to access and develop minerals within the mining lease area. Under PNG law, companies must pay a minimum royalty of 1.25% of the mineral sale price after deduction of costs associated with processing or export. The total amount of royalties received by the National Government will then be distributed to the local-level and provincial governments, as well as the customary landowners, according to the MOA.
**EQUITY**: This is an ownership stake in a mining project held by the PNG State and landowners.

**Special Support Grant**: This is a percentage of the revenue received from mine that the National Government gives to the provincial government for specific development projects. The grant is 1% of sales from the mine (after tax).

**Tax Credit Scheme**: A mining company can build infrastructure, to the value of 2% of its assessable income, and have this considered as tax paid. This scheme is useful if the area needs infrastructure that the government is unable to provide. But communities should know that the money used to build infrastructure through this scheme is money that the developer owes to the PNG Government in taxes.

**Infrastructure**: Landowners could use the MOA as an opportunity to commit the government and/or the mining company to build certain infrastructure in the province where the mine is located.

As mentioned above, it is very important that communities around a proposed mine site seek independent legal advice to help them negotiate agreements with the government and the developer. Mining is a complicated and technical area, and it is difficult to predict the future impact of a mining project on the local environment and way of life.

**Impacts of Mining**
Mining can bring benefits to communities in the form of greater access to infrastructure and services, paid employment, and royalties. Mining projects will also inevitably have an impact on the environment and bring changes to the local way of life.

The environmental and social impacts of mining depend upon the size and type of the mine. Some common, negative impacts of mining in PNG include:
Pollution of waterways with sedimentation. Mining disturbs a lot of soil, and heavy rain can wash soil and rock into rivers and streams. This can cause rivers to become muddy, reduce fish life in the river, reduce the river water flow, and cause the river to fill up with sediment, which can lead to flooding. If rocks are of a certain type, they can react with water to produce acid. Swimming in this water may cause skin irritation.

Landslides. When a lot of earth is disturbed, this, combined with PNG’s heavy rains, can make areas near the mine vulnerable to landslides.

Tailings disposal into river ways and the ocean. Riverine tailings disposal has destroyed the Fly River in Western Province and is no longer allowed in PNG. Deep sea tailings disposal is permitted, but there is always a risk that, if the tailings are not properly treated, they can kill off marine life.

Loss of plants and animals. Construction of a mine will require a lot of land to be cleared. When the land is cleared of trees and plants, the animals that live in them are killed or move elsewhere. Traditions, such as hunting or other ceremonies using the lost animals or plants, are put at risk.

Destruction of cultural sites. Construction of the mine, landslides and flooding can lead to loss of cultural sites, unless these sites are mapped and agreement is reached first between the community and the mining company on how to protect them.

Change from a subsistence to cash economy. Not having to rely entirely on gardening and hunting will lead to changes in way of life, culture, and diet. Greater access to cash and store-bought goods can also see a rise in health issues and consumption of alcohol in the community.

Migration. Many people from all over PNG will come to work on the mine or to live in the area with the hope of getting work. There will be more intermarriage between clans, making it harder to maintain local language and customs. Conflict may also arise due to a lack of understanding and tolerance of different PNG cultures or from competition over jobs or land.

Free Prior Informed Consent
PNG law does not give customary land owners the right to say “no” to the grant of an exploration license or a mining lease. In this way, the laws do not fully recognize customary landowners’ right to free, prior, and informed consent (FPIC).
FPIC is a continuing obligation. This means that after the grant of the mining lease, the mining company and the government must continue to involve landowners in mining project decisions that will impact upon their lives. To make sure that this occurs, land owners could insist on regular, public meetings with representatives of the mine operator and the government in order to exchange information.

If landowners do not want the mining project to proceed, they can refuse to agree to a compensation agreement with the company. But if this happens, the Mining Warden can independently decide the amount of landowner compensation to be paid by the company. The Warden's decision can be appealed to the National Court, but only with regards to the amount of compensation awarded.

The Right to Free Prior Informed Consent is contained in Article 32 of the 2007 UN Declaration on the Rights of Indigenous Peoples

1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.
However, not many companies will want to start a long-term mining project unless they have the support from the landowners. This means that landowners do have some control over whether a mining project goes ahead, and if yes, on what terms, provided the landowners work together as a group. The Mining Act gives landowners specific forums to talk with developers and the government about the company’s plan to look for or remove minerals from the land.

Communities can use the consultation mechanisms mentioned above – Warden’s Hearing, Development Forum, and compensation and MOA negotiations – to communicate their demands in relation to the mining project.

**Conclusion**

This Reference Sheet provides a very brief overview of mining tenements, how they are granted, and opportunities for community engagement.

The PNG Mining Laws provide opportunities for landowning and other mine-affected communities to be involved in the process of granting mining tenements. The laws fall short of recognizing customary landowners’ right to free, prior and informed consent to mining projects. However, customary land tenure means that the company and the government must negotiate with landowners and ensure they benefit from the mine. If not, the mine developer will have difficulty mining or exploring on the land.
To be meaningfully involved in the Warden's Hearing, the Development Forum, and compensation and benefit negotiations, all community members (not just the leaders) need to have basic knowledge of mining law and practice. They should also have access to independent legal advice to make sure their interests are well represented during negotiations. Mining law and practice is a complex field, and expert advice is required to properly understand it.

The mining laws are currently going through a review process, which may improve community consultation mechanisms.
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<th>Mine</th>
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<th>State/ Landowner Ownership</th>
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<th>Human Rights Policy on Website?</th>
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<td>2</td>
<td>Lihir, New Ireland</td>
<td>Newcrest (Australia) Funding from World Bank's Multilateral Investment Guarantee Agency (MIGA)</td>
<td>No</td>
<td>Newcrest Mining Level 4 Port Tower Building Hunter Street Port Moresby PO Box 789 Port Moresby NCD Papua New Guinea Tel: +675 321 7711 Fax: +675 321 4705 Website: <a href="http://www.newcrest.com.au">www.newcrest.com.au</a></td>
<td>Newcrest must comply with MIGA standards in relation to their Lihir operations.</td>
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<td>Ok Tedi Copper-Gold Mine, Western Province</td>
<td>N/A Note: The PNG State took over the Sustainable Development Program Ltd., a Singapore-registered company, which held BHP's former mine shareholding on trust for the PNG people.</td>
<td>PNG National Government and customary landowners.</td>
<td>Ok Tedi Mining Ltd PO Box 506 Port Moresby National Capital District Papua New Guinea Tel: +675 321 3522 Fax: +675 320 1308 Website: <a href="http://www.oktedi.com">www.oktedi.com</a></td>
<td>No. The PNG government does not have a human rights policy specifically related to mining.</td>
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<td>Porgera Gold Mine, Enga Province</td>
<td>Barrick Gold Corp (Canada) Enga Provincial Government, PNG National Government, and Porgera landowners</td>
<td>Porgera Joint Venture PO Box 484 Mt Hagen Papua New Guinea Tel: +675 547 8200 Fax: +675 547 9579 Website: <a href="http://www.barrick.com">www.barrick.com</a></td>
<td>Yes, Barrick Gold has a human rights policy</td>
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<tr>
<td>No</td>
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<td>Company/Contact</td>
<td>Details</td>
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<td>Ramu Nico Mine, Madang</td>
<td>MCC Ramu (China), Highlands Pacific (Australia)</td>
<td>PNG National Government and customary landowners. MCC Ramu Nico Ltd (Ramu) PO Box 1229 Madang Province Papua New Guinea Tel: +675 422 2888, +675 321 3270 Fax: +675 422 1710, +675 321 3276 Email: <a href="mailto:info@mccgrd.com">info@mccgrd.com</a> Website: <a href="http://www.ramunico.com">www.ramunico.com</a></td>
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<tr>
<td>6</td>
<td>Simberi, East New Britain</td>
<td>Santa Barbara (Australia)</td>
<td>Simberi Gold Company Limited Bismark Maritime Facility, Montoro Street LAE 411 Morobe Province Papua New Guinea Tel: +675 276 2010 Fax: +675 276 2009</td>
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<tr>
<td>7</td>
<td>Sinvit, East New Britain</td>
<td>New Guinea Gold (Canada)</td>
<td>New Guinea Gold, Canada 900 - 595 Howe Street Vancouver, B.C., V6C 2T5 Canada Tel: +1 (604) 689 1515, ext. 227 Fax: +1 (604) 685 5970 Email: <a href="mailto:Hydepark00@gmail.com">Hydepark00@gmail.com</a> Website: <a href="http://www.newguineagold.ca">www.newguineagold.ca</a> Australian Office (Administration and Operations) Level 4, 379 Queen St Brisbane, Queensland Australia Mailing: PO Box 10328, Adelaide St Brisbane, 4000, Australia Tel: +61 7 3003 0100 Fax: +61 7 3003 0054 Email: <a href="mailto:info@newguineagold.ca">info@newguineagold.ca</a></td>
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<td>8</td>
<td>Solwara Mine, Bismark Sea Deep Seabed Mining</td>
<td>Nautilus Minerals (Canada)</td>
<td>Government of PNG has a legal right to purchase up to 30% equity in the project Nautilus Minerals, Inc. Papua New Guinea Office Level 1, Deloitte Tower Douglas Street Port Moresby Papua New Guinea Mailing: PO Box 1161, Port Moresby, Papua New Guinea Tel: +675 321 1284 Fax: +675 321 1685 Website: <a href="http://www.nautilusminerals.com">http://www.nautilusminerals.com</a></td>
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<td>9</td>
<td>Tolukuma</td>
<td>N/A</td>
<td>PNG State through Petromin</td>
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Tolukuma Gold Mines Ltd. (Petromin Ltd.)
Petromin PNG Holdings Limited
PO Box 2032
Port Moresby 121
National Capital District
Papua New Guinea

Tel: +675 329 9277
Fax: +675 329 9262
Email: contact@petrominpng.com.pg
HUMAN RIGHTS

Human Rights: An Introduction

Human rights are rights that we all have because we are human. No one can take away your human rights, although some rights can be limited in certain situations and according to law.

All people have the same human rights, no matter their sex, nationality, race, clan, age, religion, or political views.

All human rights are related. If you improve enjoyment of one right, this will help improve enjoyment of other rights. This means that ALL human rights are important. For example, if workers are not permitted to form trade unions (right to freedom of association), it will be harder for workers to make employers improve working conditions (right of everyone to the enjoyment of just and favourable conditions of work).

Human rights also include an obligation to respect the rights of other people.

The idea that people should be treated well by their governments has been around for a long time. Many human rights principles come from the teachings of major religions. However it was not until after World War II, when the United Nations (UN) was established, that the international community started to define human rights in international declarations and treaties.

In 1948, the UN adopted the Universal Declaration of Human Rights (UDHR). The UDHR contains a list of 30 rights and principles that countries around the world agreed were fundamental and must be protected. Although the UDHR was not intended to
be a legally binding document, it is today so widely accepted that most UDHR rights have become “customary international law.” This means that all countries are bound to protect these rights.

**Universal Declaration of Human Rights**

The text in bold after each UDHR article represents Fundamental Rights recognized by the PNG Constitution. Fundamental Rights can never be restricted.

The text in italics after each UDHR article represents Qualified Rights recognized by PNG Constitution.

**ARTICLE 1: ALL HUMAN BEINGS ARE BORN FREE AND EQUAL**
All people are free and should be treated in the same way. They have reason and conscience, and should act towards one another in a friendly manner. [*Article 32: Right to Freedom*]

**ARTICLE 2: NON-DISCRIMINATION**
Everyone has the same rights no matter their sex, race, language, political opinions, religion, social or economic status, or nationality. [*Article 5: Equality of Citizens “irrespective of race, Tribe, Place of Original, Political Opinion, Colour, Creed, Religion or Sex”*]

**ARTICLE 3: RIGHT TO LIFE AND LIBERTY**
You have the right to live, and to live in freedom and safety. [*Article 35: Right to Life*] [*Article 42: Liberty of Person*]

**ARTICLE 4: RIGHT TO FREEDOM FROM SLAVERY**
Nobody has the right to treat you as his or her slave, and you should not make anyone your slave. [*Article 43: Freedom from Forced Labour*]

**ARTICLE 5: RIGHT TO FREEDOM FROM TORTURE AND INHUMANE TREATMENT**
Nobody has the right to torture you or treat you with cruelty. [*Article 36: Freedom from Torture or Cruel, Inhumane Treatment*]

**ARTICLE 6: RIGHT TO RECOGNITION AS A PERSON BEFORE THE LAW**
You should be legally protected in the same way everywhere, and like everyone else. [*Article 37: Protection of the Law*]
**Article 7: Right to Equality Before the Law**
The law is the same for everyone; it should be applied in the same way to all. [Article 37: Protection of the Law]

**Article 8: Right to a Remedy for Human Rights Violations**
You should be able to take your case to a fair court when the rights your country grants you are not respected. [Article 37: Protection of the Law]

**Article 9: Right to Freedom from Arbitrary Arrest, Detention or Exile**
Nobody has the right to put you in prison, to keep you there, or to send you away from your country unjustly, or without good reason. [Article 57: National or Supreme Court to Enforce Constitutional Rights]

**Article 10: Right to a Fair Trial**
If you go on trial, this should be done in public. The people who try you should not let themselves be influenced by others.

**Article 11: Presumption of Innocence**
You should be considered innocent until it can be proven that you are guilty. If you are accused of a crime, you should always have the right to defend yourself. Nobody has the right to condemn you and punish you for something you did that was not a crime when you did it. [Article 37: Protection of the Law]

**Article 12: Right to Freedom from Arbitrary Interference with Privacy, Family, Home, Correspondence or Good Name**
You have the right to ask to be protected, if someone tries to harm your good name, enter your house, open your letters, or bother you or your family without a good reason. [Article 44: Freedom from Arbitrary Search and Entry] [Article 49: Right to Privacy]
**Article 13: Right to Freedom of Movement**
You have the right to come and go as you wish within your country. You have the right to leave and return to your country if you want. [Article 52: Freedom of Movement (citizens)]

**Article 14: Right to Asylum**
If someone persecutes you because of your race, religion, nationality, membership of a particular social group, or political opinion, to the extent that you are in serious danger, you have the right to go to another country and ask it to protect you.

**Article 15: Right to a Nationality**
You have the right to a nationality, and nobody can take this nationality away from you without good reason. You have the right to change your nationality. [Articles 64 – 81: on Citizenship]

**Article 16: Right to a Family**
As soon as a person is legally entitled, he or she has the right to marry and have a family. In doing this, neither the colour of your skin, the country you come from nor your religion should be impediments. Men and women have the same rights when they are married, and also when they are separated. Nobody should be forced to marry. The government of your country should protect you and the members of your family. [Not a right but part of PNG National Goal 1: Integral Human Development]

**Article 17: Right to Property**
You have the right to own property, and nobody has the right to take this from you without a good reason. [Article 56(1): Citizens Can Acquire Freehold Land], [Article 53: Protection from Unjust Deprivation of Property]

**Article 18: Right to Freedom of Thought, Conscience and Religion**

You have the right to profess your religion freely, to change it, and to practice it either on your own or with other people, and in public or private. You have the right to worship and to teach and practice religion. [Article 45: Freedom of Conscience, Thought and Religion]
**Article 19: Right to Freedom of Opinion and Expression**
You have the right to think what you want, to say what you like, and nobody should forbid you from doing so. You should be able to share your ideas also—with people from any other country. [Article 46: Freedom of Expression and Publication], [Article 51: Right to Freedom of Information (citizens only)]

**Article 20: Right to Freedom of Assembly and Association**
You have the right to organize peaceful meetings or to take part in meetings in a peaceful way. It is wrong to force someone to belong to a group. [Article 47 Freedom of Assembly and Association]

**Article 21: Right to Participate in Government**
You have the right to take part in your country’s political affairs either by belonging to the government yourself or by choosing politicians who have the same ideas as you. The government should represent what the people want. Governments should be voted for regularly, and voting should be secret. All adults should get a vote, and all votes should be equal. You also have the same right to join the public service as anyone else. [Article 50: Right to Vote and Stand for Office (citizens only)], [Article 51: Right to Information (citizens only)]

**Article 22: Right to Social Security**
The society in which you live should help you to develop and to make the most of all the advantages (culture, work, social welfare), which are offered to you and to all the men and women in your country. [Not a right but part of National Goal 1: Integral Human Development.]

**Article 23: Right to Fair, Just Conditions of Work**
You have the right to work, to freely choose your work, and to get a salary which allows you to support your family. If a man and a woman do the same work, they should get the same pay. You have the right to employment under safe and fair work conditions. All people who work have the right to join together in unions to defend their interests.

**ARTICLE 24: RIGHT TO FAIR, JUST CONDITIONS OF WORK**
Each work day should not be too long, since everyone has the right to rest and should be able to take regular paid holidays.

**ARTICLE 25: RIGHT TO AN ADEQUATE STANDARD OF LIVING**
You have the right to have whatever you need so that you and your family: do not fall ill or go hungry; have clothes and a house; and are helped if you are out of work, if you are ill, if you are old, if your wife or husband is dead, or if you do not earn a living for any other reason you cannot help. Mothers and their children are entitled to special care. All children have the same rights to be protected, whether or not their mother was married when they were born.

[Not a right. Partly covered by National Goal 1: Integral Human Development, but no right to social security.]

**ARTICLE 26: RIGHT TO EDUCATION**
You have the right to go to school, and everyone should go to school. Primary schooling should be free and compulsory. You should be able to learn a profession or continue your studies as far as wish. At school, you should be able to develop all your talents, and you should be taught to get on with others, whatever their race, religion, or the country they come from. Your parents should have some choice in what you will be taught at school. [Not a right but part of National Goal 1: Integral Human Development]

**ARTICLE 27: RIGHT TO A CULTURAL LIFE**
You have the right to share in your community’s arts and sciences, and any good they do. Your works as an artist, writer, or scientist should be protected, and you should be able to benefit from them. [Not a right but part of National Goal 1: Integral human development]
**Article 28: Right to Protection of Rights**
So that your rights will be respected, there must be mechanisms established which can protect them. These mechanisms should be local and worldwide (national courts, the UN human rights system).

**Article 29: Human Rights Duties**
You have duties to respect the rights of your fellow community members. The law should guarantee human rights. It should allow everyone to respect others and to be respected.

**Article 30: Inalienability of Human Rights**
No one can act to destroy the rights in this Declaration.

**The International Bill of Human Rights**
After the UDHR was adopted, the UN began drafting of two binding human rights treaties to complement the UDHR:
1. The International Covenant on Civil and Political Rights (ICCPR)
2. The International Covenant on Economic, Social and Cultural Rights (ICESCR)

The UN General Assembly adopted the two Covenants in 1966, 18 years after the UDHR. Together, the ICCPR, the ICESCR, and the UDHR constitute the **International Bill of Human Rights**.

PNG ratified both Covenants in 2008. States that ratify the ICCPR must pass laws and take other necessary steps to allow people to enjoy the civil and political rights contained in the ICCPR. Rights in the ICCPR can be limited in some narrow circumstances, except for following rights that can never be restricted:
- The right to life
- The right to freedom from torture
- The right to freedom from slavery
- The right to not be imprisoned for an unpaid debt
- The right not to be convicted for acts that were not crimes when they were committed
- The right to recognition as a person before the law
- The right to manifest one's beliefs and religion
States that ratify the ICESCR must guarantee social, cultural and economic rights to a minimum standard and then use all the means at their disposal to improve enjoyment of ICESCR rights within their territory. States must demonstrate that they are actively taking steps to achieving full enjoyment of economic, social and cultural rights.

The Covenants expand upon the rights contained in the UDHR, but also include some additional rights.

**The Right to Self Determination**

*Article 1 ICCPR and ICESCR*

This was a right to political independence for colonies. The right has more recently been interpreted to mean that indigenous and customary landowners should have the right to control their own natural resources and preserve their traditional way of life. The right to self-determination forms the basis for the principle of “Free Prior and Informed Consent.”

**The Right to Freedom from Forced Labour**

Forced labour is work you are forced to do against your will and under the threat of punishment.

**Protection of Minorities**

*Article 27 ICCPR*

Ethnic, religious, or linguistic minorities have the right to practice their religion, culture, and use their own language.

**Right to Health**

*Article 12 ICESCR*

The ICESCR contains a separate right to “the highest attainable standard of physical and mental health.”
Human Rights in Papua New Guinea

INTERNATIONAL HUMAN RIGHTS TREATY OBLIGATIONS

As of September 2013, PNG has ratified six of the nine core human rights treaties. PNG has not ratified any of the Conventions’ Optional Protocols, which are additions made to the original Conventions.

<table>
<thead>
<tr>
<th>Treaty</th>
<th>Ratified</th>
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<tbody>
<tr>
<td>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)</td>
<td>Not yet signed</td>
</tr>
<tr>
<td>Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)</td>
<td>Not yet signed</td>
</tr>
</tbody>
</table>

When a country ratifies an international human rights treaty, it can decide whether to allow individuals to complain to the UN about alleged violations of that treaty. PNG has decided not to allow any individual complaints to the UN.

In PNG, it is usually the Head of State, the Governor General, who ratifies international treaties, but only upon advice from the National Executive Counsel. Before ratification can go ahead, the treaty must be tabled before National Parliament, and Parliament must agree to its ratification.

For international human rights treaties to have effect in PNG, the National Parliament must pass laws that implement and protect the rights contained in these treaties. For example, the Lukaitim Pikini law implements some of the human rights contained in the Convention on the Rights of the Child.

PAPUA NEW GUINEA CONSTITUTIONAL RIGHTS

The PNG Constitution contains fundamental and qualified rights. The PNG Parliament cannot pass laws that limit any of the three fundamental constitutional rights: the Right to Life; the Right to Freedom from Torture or Cruel, Inhumane Treatment; and the Right to the Protection of the Law (fair trial rights). Qualified rights can be restricted by the government if the restriction is in the public interest, is reasonable and necessary for reasons of defence, public safety, public order, public welfare, public health, or the protection of vulnerable groups.
When determining whether a restriction on a right is reasonable, Article 39 of the Constitution states that a court may consider the UDHR and other international declarations or conventions concerning human rights and fundamental freedoms. This means that international human rights documents can be referenced in submissions made to the courts. Article 57 of the Constitution provides that, to enforce constitutional rights, a person can apply to the Supreme or National Court.

Social, economic, and cultural rights are not included in the PNG Constitution as rights, but are recognized in the PNG National Goals. The National Goals are non-justiciable, meaning that the government cannot be taken to court for failing to fulfil them.

**Environmental Rights**

A healthy environment is essential for the enjoyment of many of our fundamental human rights. Despite this, there is no binding international agreement that recognizes the right to a clean, safe, healthy and sustainable environment as a human right.

This is because:

1. The international community only began to accept the threat that environmental destruction poses to humankind in the 1990s
2. Some people argue that existing human rights are enough and, if upheld, will promote a clean, healthy, and safe environment in any case
3. There are concerns that a right to a healthy environment will clash with national development programs

The 1972 Declaration of the United Nations Conference on the Human Environment, known as the Stockholm Declaration, is the closest that the international community has come to establishing a right to a good-quality environment. However, there are many national Constitutions and regional human rights treaties that...
include the right to a healthy environment. The PNG Constitution recognizes the importance of protecting the environment by making it one of PNG’s National Goals.

In 2012, the UN appointed an expert to research the human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment. This expert has identified two types of human rights relevant to a healthy environment:

1. Rights in particular danger of being negatively affected by environmental harm, such as the rights to life, health, food, water, housing, and self-determination, which are contained in the International Bill of Human Rights.

   **The Right to Food**
   “The availability of food in a quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances, and acceptable within a given culture.”
   *UN CESCR General Comment 11*

   **The Right to Clean Water**
   “The human right to water entitles everyone to sufficient, safe, acceptable and physically accessible and affordable water for personal and domestic uses.”
   *UN CESCR General Comment 15*

   **The Right to Health**
   “The right to health includes the right to access, without discrimination, public health goods and services that are of a sufficient quality, culturally appropriate and in-line with medical ethics.”
   *UN CESCR General Comment 14*

   **The Right to Shelter**
   “The human right to adequate housing is the right of every woman, man, youth and child to gain and sustain a safe and secure home and community in which to live in peace and dignity”.
   *UN CESCR General Comment 4*

2. Rights needed for people to have a say in laws and policies that protect the environment. These include rights such as the freedom of expression and association, the right to information, the right to participate in decision-making, and the right to a remedy contained in the ICCPR. The relevance of these human rights to environmental protection was recognized in the 1992 Rio Declaration.
The Human Rights Obligations of States and Businesses

The **STATE** (including the government, courts, the parliament, the military and the police) is primarily responsible for guaranteeing the human rights of people within its territory. The State must **respect, fulfil, and protect** human rights.

**RESPECT**

The State will not do anything to harm people's human rights.

**FULFILL**

The State will take steps to ensure that people can enjoy their human rights - such as building schools and ensuring there are teachers to teach in these schools.

**PROTECT**

The State must protect people from having their rights violated by others. For example, the State must protect people from being beaten by others, and make sure that mining companies do not destroy the environment and harm people's right to an adequate standard of living.

**BUSINESSES** (including companies) must respect human rights. Business operations cannot harm people's human rights, and if they do, the company must make amends by fixing the harm caused. Article 34 of the PNG Constitution also recognizes the responsibility of companies to respect the human rights contained in the Constitution.

**UN Guiding Principles on Business and Human Rights: A Summary**

In 2011, the UN Human Rights Council Adopted the Guiding Principles on Business and Human Rights. These Principles clarify the responsibilities of States and Businesses to ensure that business operations do not negatively impact upon human rights.
PART I. The State duty to protect
States have a duty to protect against human rights abuse by third parties, including by businesses (Principle 1), by doing the following:
- Make laws and policies requiring businesses to respect human rights (Principle 3);
- Provide guidance to businesses on how to respect human rights (Principle 3);
- Ensure respect for human rights by State-controlled enterprises and businesses the Government contracts to provide goods or services (Principles 4-6);
- Assist businesses operating in conflict zones to identify, prevent, and mitigate risks, and withdraw support for businesses that fail to address adverse human rights impacts in such areas (Principle 7);
- Make sure the governmental agencies that regulate businesses understand the State's human rights responsibilities (Principle 8).

PART II. The Corporate Responsibility to Respect
Businesses must not infringe on human rights and must address any negative human rights impacts caused by their activities. The relevant human rights standards are contained in the International Bill of Human Rights and the International Labour Organization’s Declaration on Fundamental Principles and Rights at Work (Principle 11 &12).

Businesses should:
- Have a human rights policy that everyone in the business knows about and that is integrated into business operations (Principles 15-16);
- Conduct human rights “due diligence” by continually assessing and responding to the human rights impacts (potential and actual) of their business activities. Assessments must utilize human rights experts and involve meaningful consultation with communities who will be affected by the business operations (Principles 17-21).
- Treat the risk of contributing to gross human rights abuses through human rights violations as a matter of legal compliance wherever they operate (Principle 23c).
Part III. Access to a Remedy
Both States and Businesses should develop complaint mechanisms that allow people whose rights are negatively impacted by business activities to access a remedy for any harm caused. States must ensure people can easily access judicial and non-judicial complaint mechanisms (Principles 25-28). Businesses must establish operational-level complaint mechanisms, so that people can complain directly to the business or company about any negative human rights impact. Complaint procedures must be easily accessible, able to be trusted by people affected by a business’s operations, and involve clear and predictable procedures that do not take too long (Principle 31).


Conclusion
Human rights are:

- Inalienable: No one can take your rights away from you
- Universal: We all have them, no matter what our color, sex, nationality, clan, culture, or political views
- Interdependent and Interrelated: Improvement of one right leads to the improvement of other rights

The International Bill of Human Rights consists of the UDHR, the ICCPR, and the ICESCR, and contains a list of fundamental human rights. The PNG Constitution recognizes many of the rights contained in the International Bill of Human Rights.

For citizens to be able to effectively claim their human rights under international human rights treaties, these rights must be incorporated into domestic PNG laws. Violations of some human rights contained in the PNG Constitution can also be taken to the National Court.

There are two types of rights relevant to environmental rights:
1. Rights in danger of being negatively affected by environmental harm
2. Rights needed for people to have a say in laws and policies that protect the environment
The State is primarily responsible for guaranteeing human rights, and must also protect people's rights from being violated by others. Businesses must respect human rights. They cannot do anything that harms human rights, and if they do, they must remedy this harm. The UN Guiding Principles on Human Rights and Business clarifies the different but complementary human rights responsibilities of States and Businesses. Both States and Businesses must make sure that people whose human rights are violated have access to a remedy for any harm caused by the violation.
INTERNATIONAL BUSINESS AND HUMAN RIGHTS STANDARDS

There exist many different types of international standards that can be used to hold companies and governments accountable for the negative human rights impact of their business operations. Most of these international standards are voluntary, meaning businesses and governments have no legal obligation to comply with them. Some, however, have complaint mechanisms that can be used effectively to encourage companies or governments to act.

STANDARD 2011 UN GUIDING PRINCIPLES ON BUSINESS AND HUMAN RIGHTS

Already summarized in Reference Sheet 2: Human Rights, the 2011 Guiding Principles clarify the responsibilities of States and Businesses to ensure that business operations do not negatively impact upon human rights. The Guiding Principles have three pillars: the State responsibility to protect human rights, the Businesses responsibility to respect human rights, and the need to ensure victims of business-related human rights violations have access to a remedy for any harm caused.

BINDING NO

COMPLAINT MECHANISM NO

CHECK OUT www.business-humanrights.org

STANDARD THE UNIVERSAL DECLARATION ON HUMAN RIGHTS

Already summarized in Reference Sheet 2: Human Rights. The 1948 UDHR forms part of the international bill of human rights.

BINDING Some parts of the UDHR are part of customary international law and are binding on all States

COMPLAINT MECHANISM YES, UNESCO Complaint Mechanism

The United Nations Educational, Scientific and Cultural Organization (UNESCO) receives complaints of violations of the following UDHR rights:

- Right to education (Article 26)
- Right to participate in cultural life and to share scientific advancement (Article 27)
• Right to information, including freedom of opinion and expression (Article 19)
• Freedom of thought, conscience and religion (Article 18)
• Right to freedom of association (Article 20)

Only victims who are teachers, students, researchers, artists, writers or journalists can use this complaint mechanism. The first step is for victims to send a letter in English or French, explaining the circumstances surrounding the alleged violation to:

Director of the Office of International Standards and Legal Affairs
UNESCO
Mail: 7 Place de Fontenoy, 75352 Paris 07 SP, France
Fax: +33(0)1 45 68 55 75

UNESCO will send the complainant a form to be completed and returned to UNESCO. The victim/s must demonstrate that they have exhausted all domestic remedies before the Committee will accept the complaint. The complaint form will be examined by UNESCO’s Committee on Conventions and Recommendations and also forwarded to the government allegedly responsible for the violation. Individual cases will be considered by UNESCO’s Executive Board (58 elected Member States who oversee UNESCO’s management for terms of four years at a time) in private, but complaints that indicate systematic violations will be raised in a public meeting before the General Conference (UNESCO Member States). Although the most UNESCO can do is issue recommendations to its Member States on how to remedy and prevent violations, this complaint mechanism can increase pressure on a government to act and avoid international embarrassment.


STANDARD

INTERNATIONAL HUMAN RIGHTS TREATIES
Human rights treaties that PNG has ratified include:
1. The International Convention on the Elimination of All Forms of Racial Discrimination
2. The International Covenant on Economic, Social and Cultural Rights
3. The International Covenant on Civil and Political Rights
5. Convention on the Rights of the Child

**BINDING**
YES. On State signatories to the treaties. In PNG, domestic law must be passed to implement the treaty rights, and there must also be mechanisms in place to enforce the laws. PNG law and enforcement mechanisms are still insufficient to fully protect people's human rights.

**COMPLAINT MECHANISM**
NO. PNG does not allow complaints to the UN bodies overseeing implementation of these treaties.

**CHECK OUT**
www.ohchr.org/EN/ProfessionalInterest/Pages/CoreInstruments.aspx

**STANDARD**
**INTERNATIONAL LABOUR ORGANIZATION (ILO) CONVENTIONS**
The ILO is an inter-governmental organization. It was established in 1919 with the primary objective of promoting rights at work, encouraging decent employment opportunities, enhancing social protection, and strengthening dialogue on work-related issues. ILO conventions are binding international treaties that contain international labour standards and principles related to people's rights at work. Conventions are prepared by representatives of governments, employers, and workers, and are adopted at the ILO's annual International Labour Conference.

PNG has become a member of the ILO since 1976, and it has ratified 26 of the ILO's conventions, including the eight conventions that the ILO's Governing Body has identified as Fundamental:

1. Freedom of Association and Protection of the Right to Organize Convention (1948)
2. Right to Organize and Collective Bargaining Convention (1949)
3. Forced Labour Convention (1930)
5. Minimum Age Convention (1973)
7. Equal Remuneration Convention (1951)
8. Discrimination (Employment and Occupation) Convention (1958)

**BINDING**
YES. On State signatories to the conventions. In PNG, domestic law must be passed to implement the treaty rights, and there must also be mechanisms in place to enforce the laws.
### COMPLAINT

**YES.** Complaints can be made against State parties to ILO conventions by:

**MECHANISM**

1. Another Member State that has ratified the same convention
2. Any delegate to the ILO Conference (each Member State is also represented by a delegate representing the employers and a delegate representing the workers)
3. The ILO Governing Body (composed of 28 State representatives, 14 representatives of employers and 14 representatives of workers)

A complaint cannot be filed by an individual. Serious, systematic violations of ILO convention rights will lead to the ILO establishing a Commission of Inquiry to examine the facts and make recommendations. If a State refuses to comply with Commission’s the ILO Governing Body can take any action necessary to secure compliance. To date, there has only been once instance of the Governing Body exercising this power.

**CHECK OUT**


### STANDARD

**Organization for Economic Co-operation and Development (OECD) Guidelines for Multinational Enterprises**

The OECD is an inter-governmental organization. It was established in 1960 to promote global development by 18 European countries, the United States, and Canada. The OECD now has member countries throughout the world. The OECD Guidelines for Multinational Enterprises are voluntary guidelines that companies, based in OECD countries, can follow. The Guidelines instruct companies on how to conduct their business according to good human rights, labour, and environmental standards.

The Guidelines require companies to respect human rights. They also require a company to:

- have environmental, health, and safety policies;
- monitor compliance with these policies;
- provide the public with information on the environment, health and safety impacts of business activities; and
- consult with communities whose environment, health, and safety may be impacted by business activities.

**BINDING**

**NO**
COMPLAINT Each country that has endorsed the Guidelines has a National Contact MECHANISM Point (NCP), who can receive complaints about companies registered in their country that do not follow the Guidelines. For example, complaints about an Australian mining company should be sent to the Australian NCP.

If the NCP rejects your complaint, he or she must explain in writing why the complaint was rejected. If the NCP accepts a complaint, he or she can help mediate an agreement between the complainant and the company. The NCP cannot force a company to do anything. At most, making a complaint may encourage the company to negotiate with the complainant or change its behaviour.

The contact details of all NCPs can be found on the OECD website.

CHECK OUT www.oecd.org

STANDARD INTERNATIONAL FINANCE CORPORATION PERFORMANCE STANDARDS ON ENVIRONMENTAL AND SOCIAL SUSTAINABILITY

The IFC is an institution of the World Bank group, an international financial organization that lends money and provides advice to governments and companies in order to reduce poverty and stimulate economic growth. The different World Bank organizations are owned by countries which, as a group, determine World Bank policy.

The World Bank carries out its work through five organizations:

1. International Finance Corporation (IFC): Invests and provides advice to private companies operating in developing countries.
2. Multilateral Investment Guarantee Agency (MIGA): Encourages foreign companies to invest in developing countries by offering incentives to invest and reducing investment risk.
3. International Bank for Reconstruction and Development (IBRD): Lends money to the governments of developing countries.
4. International Development Association (IDA): Lends money to the governments of the poorest countries.
5. International Center for Settlement of Investment Disputes (ICSID): Facilitates conciliation and arbitration of international investment disputes between investors and member States.

The IFC Performance Standards are used by the IFC and MIGA.

BINDING YES. Companies that receive loans from the IFC or MIGA must comply with the IFC standards.
COMPLAINT MECHANISM

The Office of the Compliance Advisor/Ombudsman (CAO) helps resolve issues raised about the social and environmental impact of IFC- or MIGA-funded projects. The IFC and MIGA have good social and environmental, labour, pollution prevention, and land acquisition/ resettlement standards that projects must comply with. Anyone who feels that they are negatively affected by an IFC- or MIGA-funded project can complain to the CAO. The Ombudsman will decide whether the complaint can be resolved through mediation. If mediation does not work, the CAO’s Compliance Section will assess if the project has complied with the IFC/MIGA performance standards.

If the Compliance Section thinks that the project is not in line with IFC or MIGA standards, it will order an audit. The audit will investigate the project and recommend how to improve compliance with the relevant standards. Although this multi-stage complaint process can take a long time, companies have to comply with any audit recommendations as a condition of their IFC or MIGA loan. There are several companies in PNG which are supported by IFC funds. These include Kongo (coffee, cocoa, and tea), Bank of the South Pacific, KK Kingston, Digicel, Kula Fund, and PNG Microfinance. MIGA invested $76.6 million in the Lihir gold mine.

Complaints can be e-mailed, faxed or mailed to:

Office of the CAO
2121 Pennsylvania Avenue, NW
Washington, DC 20433, USA
T: + 1 202 458 1973
F: + 1 202 522 7400
E-mail: cao-compliance@ifc.org

CHECK OUT

www.miga.org
www.ifc.org
www.cao-ombudsman.org

CASE STUDY

Pacific Marine Industrial Zone (PMIZ): Madang, PNG

Complainant: Bismarck Ramu Group (BRG) on behalf of 105 local signatories

Date Filed: July 12, 2011

Concerns: Community consultation, environmental planning, impacts to fish, reefs, and lagoons, and wider social and environmental impacts
Complaint: The IFC provided advice to the Government of PNG on the establishment of Special Economic Zones (SEZ). In July 2011, the CAO received a complaint from a local NGO and elected representatives on behalf of several villages in Madang Province. The complaint raises concerns about the impact of the Pacific Marine Industrial Zone (PMIZ) on local populations and the environment in Madang Province. The complainants are particularly concerned about the lack of local consultation with landowners in the area, the lack of environmental planning, and the implications of the SEZ for fish populations, reefs, and lagoons, as well as broader environmental and social impacts of an industrial zone in that area.

CAO Action: The CAO found the complaint eligible for further assessment in July 2011. The Ombudsman team travelled to the field in September and October 2011, and again in February 2012, to discuss the issues with the parties and other key stakeholders. As a result, the government and the complainants have agreed to undertake a collaborative process to address the issues in the complaint with the assistance of the CAO. An Ombudsman assessment report was completed in February 2012.

STANDARD  

**World Bank Operational Policies and Procedures on Environmental and Social Safeguards**

The objective of the World Bank’s environmental and social safeguard policies is to prevent and mitigate undue harm to people and their environment in the development process. These policies address the risks and unintended negative environmental and social effects that might result from a Bank-funded project. These policies provide guidelines for Bank and borrower staffs in the identification, preparation, and implementation of programs and projects. Safeguard policies have often provided a platform for the participation of stakeholders in project design, and have been an important instrument for building ownership among local populations.

Specific safeguard policies address:

1. Natural habitats
2. Pest management
3. Cultural property
4. Involuntary resettlement
5. Indigenous peoples
6. Safety of dams
7. Projects on international waterways
8. Projects in disputed areas
BINDING  YES. Governments that receive loans from the IBRD or the IDA should comply with all World Bank Policies and Procedures.

COMPLAINT MECHANISM  The World Bank Inspection Panel

The Inspection Panel reviews complaints from people affected by projects that are funded with World Bank loans to governments (either through the IBRD or the IDA). A Request for Inspection can be made by two or more people or a representative organization affected by a Bank-funded project. However, before complaining to the Inspection Panel, you must attempt to resolve the issue with the closest World Bank office first. Upon receiving a complaint, the Inspection Panel will assess the allegations of harm to people or the environment and will check whether the World Bank followed its policies and procedures.

If the Panel finds the World Bank has not followed the proper policies and procedures, the Bank must remedy this situation by, for example, changing how a project is run, proposing activities that will reduce adverse social or environmental impacts, or strengthening consultation with people affected by the project.

A complaint can be e-mailed, faxed or sent to one of the addresses below.

Executive Secretary  Executive Secretary
The Inspection Panel  The Inspection Panel
PO Box 27566  1818 H Street NW
Washington, DC 20038  Mail Stop: MC10-1007
USA  Washington, D.C. 20433
USA

T: +1 202 458-5200  
F: +1 202 522 0916  
Email: ipanel@worldbank.org  
World Bank Office PNG  
Deloitte Tower, Level 13  
Port Moresby  
Tel: +675-321-7111

CHECK OUT  www.worldbank.org/inspectionpanel
Operational Policies: go.worldbank.org/YFA8D3WJS0
Bank Procedures: go.worldbank.org/6CDSPCNND0

CASE STUDY  Oil Palm Plantations in Oro, PNG

In PNG, the Centre for Environmental Law and Community Rights (CELCOR) filed a Request for Inspection on behalf of the Ahoral Kakandetta Pressure Group, a group of landowners affected by a
Smallholder Agriculture Development Project in Oro Province. They complained that the IDA project violated World Bank policies by:

1. pressuring the landowners to produce oil palm, although unclear whether this would raise landowners’ standard of living;
2. causing water pollution and forest degradation;
3. not adequately consulting with community members; and
4. forcing growers to pay for road maintenance.

The Inspection Panel investigated the complaint, and IDA committed to:

1. implementing a Palm Oil Mill Effluent Management Plan to reduce pollution;
2. providing relevant documents to the community in Tok Pisin;
3. improving documentation of community consultations; and
4. developing a system for road maintenance that would take into account community members’ ability and willingness to pay for road fees.

**STANDARD**

**Asian Development Bank (ADB) Safeguard Policy Statement (SPS)**

The ADB is a regional development bank that was established to promote development through loans and technical assistance. The ADB is owned by 67 member states and funds development projects throughout Asia. As of May 2013, the ADB has lent over 162 million dollars to private companies and the PNG government to support projects such as the Lae Port expansion and the expansion of Digicel’s mobile network.

The Safeguard Policy Statement contains standards in relation to how the ADB projects must deal with the environment, involuntary resettlement, and indigenous peoples.

**BINDING**

YES. ADB borrowers must comply with these standards.

**COMPLAINT MECHANISM**

**ADB Accountability Mechanism and ADB Compliance Review Panel**

Two or more people who are, or believe they will be, negatively affected by an ADB-funded project can lodge a complaint with the ADB. The ADB will try to resolve the complaint through discussions with the complainant, borrower, and project implementer. If this fails, the complainants can ask the ADB to investigate whether the project is in compliance with ADB environment, social impact, and labour standards. The ADB will conduct an investigation and issue recommendations on how to improve the project’s compliance with ADB standards.
Complaints can be sent to:
Complaints Receiving Officer
Accountability Mechanism
Asian Development Bank Headquarters
6 ADB Avenue,
Mandaluyong City 1550
Philippines
Email: amcro@adb.org
F: +63-2-636-2086
Complaints Receiving Officer
c/o ADB Office in PNG
Deloitte Tower, Level 13, P.O. Box 1992
Port Moresby, NCD
T: +675 321 0400/0408
F: +675 321 0407

CHECK OUT www.adb.org/site/safeguards/main
www.adb.org/site/accountability-mechanism/main
compliance.adb.org/

STANDARD The UN Global Compact
The UN Global Compact is an initiative for businesses that wish
to align their operations and strategies with 10 principles in the
areas of human rights, labour, environment, and anti-corruption.

BINDING NO

COMPLAINT MECHANISM If a member continually fails to comply with the UN Global Compact
Principles or violates them in a way that has a very serious impact
on human rights or the environment, a complaint can be lodged
with the Global Compact Office. The Office will forward this to
the company alleged to have broken the Principles and will ask
them to keep the Office informed of any steps taken to address
the problem. The Office cannot force a company to respond to the
complaint or take any particular action. However, if the company
does not provide the requested information to the Office, they
can be removed from the list of organizations who comply with
the Global Compact Principles, an embarrassment that most
companies will want to avoid

CHECK OUT www.unglobalcompact.org
**STANDARD**

**The Equator Principles**
The Equator Principles are voluntary standards that help banks ensure that they do not finance environmentally or socially damaging projects. The Principles apply to loans that exceed US$10 million. The Principles require banks to carry out environmental and social risk assessments for projects that they plan to finance, and make borrowers put in place action plans to minimize the negative project impacts.
The higher the risk a project has of having a negative impact on the environment or the community, the more steps the bank and the company borrowing the money have to take to try to prevent these negative impacts from occurring. The Principles require borrowers to establish a grievance mechanism, so that affected communities can then raise concerns about the project.

**BINDING**

NO

**COMPLAINT MECHANISM**

NO. The weakness of the Equator Principles is that there is no independent audit undertaken, or a complaint mechanism provided, to ensure that banks that have adopted the Principles are complying with them. However, the negative publicity for a bank, which has said it has signed onto the Principle but is not following them, could be used to force changes in how a project is implemented.

CHECK OUT www.equator-principles.com

**STANDARD**

**The Voluntary Principles on Security and Human Rights**
The Voluntary Principles were established in 2000 by governments, companies, and civil society representatives concerned about the human rights risks associated with companies’ use of security forces.

In countries suffering from conflict, companies often rely upon private security guards, or the police or military, to protect their property and business operations (such as a mine, for example). These security forces can be involved in human rights violations. The Principles are non-binding standards that companies voluntarily sign up to follow. The Principles state that companies should report any human rights abuses by security forces to the host government or police, and monitor the response to this complaint. Companies should not hire people or security forces that use excessive force or violate people’s right to freedom of assembly. If security forces use violence to protect the company, this needs to be documented,
reported to the police, while anyone hurt must be provided with medical aid.

**BINDING**

**NO**

**COMPLAINT**

**NO.** There is no complaint mechanism for individuals or the community to use, if they think a company is using security forces that are committing human rights violations. However, the Voluntary Principles can be used to conduct a publicity campaign against the company to try to make it change its behaviour. First you have to check if the company has signed onto the Voluntary Principles, and then consider if the company is complying with the provisions in the Principles or not.

Companies that have signed onto the Voluntary Principles include: AngloGold Ashanti, Anglo American, Barrick Gold Corporation, BHP Billiton, BP, Chevron, ConocoPhillips, ExxonMobil, Freeport McMoRan Copper and Gold, Hess Corporation, Marathon Oil, Newmont Mining Corporation, Norsk Hydro, Occidental Petroleum Corporation, PanAust, Repsol, Rio Tinto, Shell, Statoil, Talisman Energy, Total, Tullow Oil.

Countries that have endorsed the Principles include the United States, Canada, and Australia.

**CHECK OUT**

www.voluntaryprinciples.org

**STANDARD**

**The Global Reporting Initiative (GRI)**

The GRI is a network-based organization that has developed a good sustainability reporting framework for companies to use. GRI has developed a special reporting format for the mining company. This is useful in seeing what kind of information mining companies should be publically reporting on.

**BINDING**

**NO**

**COMPLAINT**

**NO**

**MECHANISM**

**CHECK OUT**

www.globalreporting.org

www.globalreporting.org/ReportingFramework/SectorSupplements
The International Council on Mining and Minerals (ICMM) Sustainable Development Framework
ICMM is a membership-based organization of companies and mining associations (Chamber of Mines) around the world. ICMM was established in 2001 to improve sustainable development performance in the mining industry.
ICMM has developed a sustainable development framework that member companies must implement. The ICMM will regularly evaluate the company’s compliance with the framework. Companies that are members of ICMM that are operating or have operated in PNG include: Barrick Gold, Xstrata, Newmont, and Rio Tinto (Panguna).

BINDING
NO

COMPLAINT MECHANISM
NO

CHECK OUT www.icmm.com
REFERENCE SHEET 4

PANTHER GUIDING QUESTIONS

Community Focus Groups and Individual Interviews

PARTICIPATION
1. How was the community involved in the consultations provided for under the mining legislation (Warden’s hearings, Development Forums, Compensation and MOA negotiations)?
2. Who represented the community interests at these forums?
3. How is the local landowners’ association structured?
4. What are the benefits in the MOA and how are they distributed?
5. How are mine tailings disposed of?
   ✶ Note: These questions can indicate who, and how, participate in decisions about the mine. If there is no knowledge about benefits sharing or mine tailings disposal, two major aspects of the mining project, it indicates that there are low levels of community participation in the project.
6. What are the mine community liaison procedures (Number of officers, visit schedule, information provided, etc.)?

ACCOUNTABILITY
7. Are the company and the government aware of the problems the community has described?
8. What has the company and the government done to respond to the community’s concerns?
9. How does the community make complaints to the company or the government?
10. Does the company have a formal complaint or “grievance” mechanism the community can access?
11. If yes, has the community tried to use this complaint mechanism? If not, why not?
   ✶ Note: Remember Principle 31: UN Guiding Principles on Human Rights and Business requirements for grievance mechanisms: (a) Trusted by the community, (b) Accessible, (c) Predictable, (d) Equitable, (e) Transparent, (f) Rights-compatible.

NON-DISCRIMINATION
12. How has the problem impacted differently upon people and groups in the community (women, men, youth, and the elderly)?
   ✶ Note: Hold separate focus groups for men and women, youth and elders. Try to identify if there are any vulnerable groups you should talk to. It may be that the community representatives accompanying you do not automatically identify vulnerable groups (such as settlers), or do not wish to include them in discussions.
13. Have certain groups or individuals been more severely impacted than others?
**Transparency**

14. Can community members access the local and provincial government officials?
15. How does the company communicate with the community? What kind of information do they provide about mind operations?
16. Has the community requested specific information about the problem and been provided with it?
17. Is information provided in way the community can understand?
18. Does the community have copies of the MOA or any other mine-related documents?
19. Do the MRA officers ever meet with community representatives? If yes, what do they discuss?

**Human Dignity**

20. How has the community’s standard of living changed over time?
   - Note: A lot of information regarding this element of PANTHER will be drawn out during the discussion about what life was like before and after the mine. Try to gauge changing perceptions about levels of poverty or development.
21. How is security at the mine managed? Have there been cases of violence involving security officers?
22. What about violence in the community?
23. What about accidents on the mine, salary, and other labour conditions?
24. What opportunities does the mine present in terms of education and training or other benefits?

**Empowerment**

25. Has the community communicated problems with the mine to the company, the government, or anyone else?
26. What tactics have they used to bring attention to and resolve the issue?
27. What successes and failures have they had in doing this?
   - Note: Consider community leadership structures – are they working well and do they adequately represent community members?

**Rule of Law**

- Note: Community members will probably only know about the MOA obligations, as they usually do not have access to the mine Environmental Permit and Development Agreement.
28. Is the company complying with its obligations under the MOA, the Environment Permits, and the Development Agreement?
29. Do you know what kind of environmental testing does the company do and how often does DEC visit?
30. Do you know if the company has any environment, social sustainability or human rights policies? If yes, what is the content of these policies and is the company complying with these policies?
Questions for the Mining Company: One on one Interview

Participation
1. How do you involve the community in decisions made about the mine that will impact upon them?
2. Is the local landowners’ association functioning well?
3. Tell us about the MOA negotiations and how they were organized?
4. Who are your key points of contact within the community?
5. What are the mine community liaison procedures? Number of officers (male or female), visit schedule, what information is provided, and in what form?
6. What are the challenges in ensuring effective community liaison?

Accountability
7. What is the biggest complaint that the community has regarding the mining project?
8. Are you aware about X, Y, Z (List the problems that the community has identified without saying who actually told you this)?
9. What have you done to respond to the community’s concerns?
10. How does the community raise issues of concern with the company?
11. How do you generally resolve these problems?
12. Does the company have a formal complaint or “grievance” mechanism the community can access? If yes, please explain how this works.

Note: Remember Principle 31: UN Guiding Principles on Human Rights and Business requirements for grievance mechanisms: (a) Trusted by the community, (b) Accessible, (c) Predictable, (d) Equitable,(e) Transparent, (f) Rights-compatible

Non-discrimination
13. Do you have an anti-discrimination policy?
14. Does the mine undertake implement affirmative action programs? For example, to encourage more women to work on the mine in non-traditional roles?
15. Are you aware of any groups who have been made vulnerable by the mine?
16. Are you aware of X, Y, Z (share information about certain vulnerable groups that have been impacted by the mine based on information from the community)? If yes, what have you done to address this?

Transparency
17. How do you provide information to the communities about the mine operations (How regularly, via radio, leaflets, verbally, via the SMAA reps, etc.)?
18. What kind of information does the company provide about mine operations?
19. What are the procedures for informing the community about emergency situations?
20. Do you provide the community with copies of the MOA or any other mine-related documents? If not, would you be willing to?
21. Can you provide us with copies of X, Y, Z (if don’t have copies of the MOA, Environment Permit, etc.)?

**Human Dignity**

22. How many people are employed on the mine (broken down into women and men)?
23. Where do these employees come from? (to determine employment benefits for locals)
24. What safety standards do you apply?
25. Are the employees members of a union?
26. Is security an issue at the mine?
27. How is security at the mine managed? Have there been cases of violence involving security officers?
28. Can you tell us about the infrastructure and other support programs you have for the community?
      ➤ Note: Can refer to the MOA to check what the company has committed to do

**Empowerment**

29. What initiative has the community taken to resolve any concerns they have about the mine?

**Rule of Law**

30. Are there any areas where the company could improve in terms of compliance with MOA, Development Agreement, or statutory obligations?
      ➤ Note: If you have access to copies of this agreement, you can ask if particular obligations have been complied with.
31. Can you tell us about how the company complies with its obligations under the mine Environment Permit?
32. Have there been any other serious environmental or other issues associated with the mine? If yes, what?
33. How is the government implementing its obligations under the MOA and Development Agreement?
34. How often does the mine receive a visit from DEC or MRA?
35. Does the company have sustainability and human rights/labour policies? Can you provide us with a copy of these (if not on website)?
36. What international business and human rights standards has the company endorsed?
37. Are you aware of the following human rights and business standards (list them)?
      ➤ Note: If the Company has NOT yet endorsed these standards
38. What are you doing to implement the international/industry standard X, Y and Z?
      ➤ Note: If the company has endorsed particular standards.
Questions for the MRA and DEC: One on one Interview
Note: Questions for the DEC are limited to those regarding environmental issues

**Participation**
1. How do you involve the community in decisions made about the mine that will impact upon them?
2. Is the local landowners’ association functioning well?
3. Tell us about the MOA negotiations and how they were organized?
4. Who are your key points of contact within the community?
5. What are the challenges in ensuring effective community liaison?

**Accountability**
6. What is the biggest problem regarding this mining project?
7. Are you aware about X, Y, Z (List the problems that the community has identified without saying who actually told you this)?
8. What have you done to respond to the community’s concerns?
9. Do members of the community ever raise concerns directly with you?
10. How are problems between the community and the company resolved? Do you play any part in resolving these problems?

**Non-discrimination**
11. Are you aware of X, Y, Z (share information about certain vulnerable groups that have been impacted by the mine based on information from the community)? If yes, what have you done to address this?

**Transparency**
12. How do you provide information to the communities about the mine operations, changes to government policy?
13. What are the procedures for informing the community about emergency situations?
14. Do you provide the community with copies of the MOA or any other mine-related documents? If not, would you be willing to?
15. Can you provide us with copies of X, Y, Z (if don’t have copies of the MOA, Environment Permit, etc.)?

**Human Dignity**
16. What are the negative environment and social impacts of the mine?
17. What is the safety record of the mine like?
18. How is security at the mine managed? Have there been cases of violence involving security officers?
EmPOWERment
19. What initiative has the community taken to resolve any concerns they have about the mine?

Rule of Law
20. What are your concerns about the mine or the company’s management of the mine?
21. How often do you visit the mine?
22. Has the company breached any of its statutory obligations?
23. Are there any areas where the company could improve in terms of compliance with MOA, Development Agreement, environment permit or other statutory obligations?
   ≦ Note: If you have access to copies of this agreement, you can ask if particular obligations have been complied with.
24. Have there been any serious environmental or other human rights issues associated with the mine? If yes, what?
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<td><strong>Mineral Resources Development Company (MRDC):</strong></td>
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**Special Mining Lease:**
Permission from the PNG government for the holder of an Exploration License to establish a large mine and extract minerals for sale for an initial period of up to 40 years, with possibility of extension.

**Royalty:**
A payment to the owner of minerals to extract and process those minerals in order to make money. In PNG the State owns all minerals. Mining royalties are often expressed as a percentage of the money obtained from selling the minerals.

**Tenements:**
Types of permissions from the government to carry out mining activities. Tenements include exploration licences, special mining leases, mining leases, alluvial mining leases, leases for mining purposes, and mining easements.

**Treaty:**
Another word for “convention” – a legally binding international agreement.

**Treaty Body:**
A committee of human rights experts responsible for monitoring State compliance with human rights treaty obligations. Each of the nine core United Nations human rights treaties has its own treaty body.

**United Nations (UN):**
An international organization comprised of Member States founded in 1945 after the Second World War. Almost all countries in the world are members of the UN. The UN is committed to maintaining international peace and security, developing friendly relations among nations, and promoting social progress, better living standards, and human rights.

**UN Human Rights Council:**
The institution within the UN responsible for human rights. The UN General Assembly elects the 47 Member States who make up the Council.

**Universality:**
The principle that all people have the same human rights, that human rights are universal.
COMMUNITY LEVEL ASSESSMENT OF THE IMPACT OF MINING C.L.A.I.M.
PAPUA NEW GUINEA A STEP-BY-STEP GUIDE

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